



**Public Hearing
CITY OF AUSTIN
RECOMMENDATION FOR COUNCIL ACTION**

AGENDA ITEM NO.: 35
AGENDA DATE: Thu 02/10/2005
PAGE: 1 of 2

SUBJECT: Conduct a public hearing and consider action on an appeal Ed King (Long Canyon Home Owners Association, Phase I) and Joseph Konopka (Long Canyon Home Owners Association, Phase II/III) of the Zoning and Platting Commission's decision to grant a Hill Country Roadway Site Plan with waiver/variances for Potter's Dentistry at 7901 FM 2222 (site plan no. SPC-04-0022A).

AMOUNT & SOURCE OF FUNDING: N/A

FISCAL NOTE: There is no unanticipated fiscal impact. A fiscal note is not required.

REQUESTING Watershed Protection and **DIRECTOR'S**
DEPARTMENT: Development Review **AUTHORIZATION:** Joe Pantalione

FOR MORE INFORMATION CONTACT: Sue Welch, 974-3294; Martha Vincent, 974-3371

PRIOR COUNCIL ACTION: N/A

BOARD AND COMMISSION ACTION: Granted by the Zoning and Platting Commission on December 7, 2004 (6-2).

PURCHASING: N/A

MBE / WBE: N/A

The applicant is requesting a Hill Country Roadway Site Plan with three waiver/variances. The project proposes 8272 square feet of medical office and administrative office with associated detention/water quality pond, parking, and related improvements for a total impervious coverage of 38,152 square feet (18.54%). This site is located within 1000 feet of FM 2222, a Hill Country Roadway (Low Intensity Zone). The applicant is requesting three waivers/variances:

WAIVER: The applicant is requesting a waiver from 25-2-1023 to reduce the Hill Country Roadway buffer from 100 feet to 50 feet **Recommended:** Staff recommends approval of the waiver because it imposes an undue hardship because of the topography and the peculiar configuration of the tract.

VARIANCES REQUESTED: The applicant is requesting two environmental variances:

Variance #1: 25-8-301 & 302: To allow construction on slopes; **Recommended:** Staff recommends approval with conditions; recommended by Environmental Board with staff conditions.

Variance #2: 25-8-423: To exceed allowable impervious cover in the Water Quality Transition Zone (may not exceed 18% in WQTZ; applicant is proposing 27%). **Not Recommended:** by staff; recommended conditional approval by Environmental Board.

Staff did **not recommend** approval of this Hill Country Roadway Site Plan, due to the Water Quality Transition Zone variance. Staff believes this site may be developed with the requirement that impervious



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cover in the WQTZ not exceed the 18% limitation.

The Zoning and Platting Commission heard the case on December 7, 2004 and approved the Hill Country Roadway site plan with the waiver and variances with the Environmental Board conditions (6-2).

Ed King (Long Canyon Home Owners Association, Phase I) and Joseph Konopka (Long Canyon Home Owners Association, Phase II/III) are appealing the Zoning and Platting Commission's decision to grant a Hill Country Roadway Site Plan with the wavier/variances.

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POTTER'S DENTISTRY SITE PLAN APPEAL

- 4.724 Acres, 7901 FM 2222 – Hill Country Roadway Site Plan; the applicant proposes 8272 sq. ft. of medical office and administrative office with associated detention/water quality pond, parking, and related improvements (total impervious coverage for the site 38,152 sq. ft. (18.54%). The applicant is requesting one waiver and two environmental variances.
- Zoned LO-CO; The applicant is complying with all conditions of zoning: the property/development will not exceed 2,000 trips per day; 35 ft. building setback on the south property line, with a 6 ft. high wooden fence to be constructed and maintained along the south that where it abuts a residential property, and a maximum building height of 28 ft. from ground level, building may not exceed one story and several uses were prohibited.
- Waiver Requested: The applicant is requesting a waiver from 25-2-1023 Hill Country Roadway buffer, from 100 ft. to 50 ft. Recommended: Staff recommended approval of the waiver because it imposes an undue hardship on a development because of the topography and the peculiar configuration of the tract. This waiver was not required to be heard by the Environmental Board.
- Environmental Variances Requested: The applicant is requesting two environmental variances:
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Variance #2: 25-8-423: To exceed allowable impervious cover in the Water Quality Transition Zone (may not exceed 18% in WQTZ; applicant is proposing 27%). Not Recommended by staff; Recommended conditional approval by Environmental Board.
- Staff did **not recommend** approval of this Hill Country Roadway Site Plan, due to the Water Quality Transition Zone variance. Staff believes this site may be developed with the requirement that impervious cover in the WQTZ not exceed the 18% limitation.
- The Zoning and Platting Commission heard the case on December 7, 2004 and approved the Hill Country Roadway site plan with the waiver and variances with the Environmental Board conditions (6-2).
- Ed King (Long Canyon Home Owners Association, Phase I) and Joseph Konopka (Long Canyon Home Owners Association, Phase II/III) are appealing the Zoning and Platting Commission's decision to grant a Hill Country Roadway Site Plan with the waiver/variances.

- Other issues: The Long Canyon Neighborhood Association expressed concerns about the site plan connecting to an adjacent property that allows access to the one road into their subdivision (Bell Mountain Drive). At this time, the site plan does not show a connection.

**ZONING & PLATTING COMMISSION SITE PLAN
HILL COUNTRY SITE PLAN REVIEW SHEET**

CASE NUMBER: SPC-04-0022A **CITY COUNCIL DATE:** February 10, 2005
ZAP COMMISSION DATE: December 7, 2004

ADDRESS: 7901 FM 2222

PROJECT NAME: Potter's Dentistry

WATERSHED: West Bull Creek (Water Supply Suburban)

AREA: 4.724 Acres

EXISTING ZONING: LO-CO

Conditions of zoning: The property/development will not exceed 2,000 trips per day; 35 ft. building setback on the south property line, with a 6 ft. high wooden fence to be constructed and maintained along the south that where it abuts a residential property, and a maximum building height of 28 ft. from ground level, building may not exceed one story and several uses were prohibited. The applicant is proposing medical/administrative office and is complying with all conditions of zoning.

PROPOSED USE: The applicant proposes 8272 sq. ft. of medical office and administrative office with associated detention/water quality pond, parking, and related improvements. This site is located within 1000-feet of FM 2222, a Hill Country Roadway (Low Intensity Zone). The applicant is requesting three waivers/variances (Attachment A for site plan).

APPLICANT: Tom Beard/James Potter
703 Ridge Crest Drive
Round Rock, 78664

AGENT: Jim Bennett (784-4961)
11505 Ridge Drive
Austin, TX 78748

NEIGHBORHOOD ORGANIZATION:

426--River Place Residential Community Assn., Inc.
434 - Lake Austin Business Owners
439--Concerned Citizens For P&B of FM 2222
448--Canyon Creek Homeowners Assn.
475--Bull Creek Foundation
965--Old Spicewood Springs Rd. Neigh. Assn.

APPLICABLE WATERSHED ORDINANCE: Comprehensive Watershed Ordinance

CAPITOL VIEW: Not in View Corridor

T.I.A.: Not Required

WAIVER: The applicant is requesting a waiver from 25-2-1023 Hill Country Roadway buffer, from 100 ft. to 50 ft.

RECOMMENDED: Staff recommends approval of the waiver because it imposes an undue hardship on a development because of the topography and the peculiar configuration of the tract. (See attached EV memo – attachment ‘B’).

VARIANCES REQUESTED: The applicant is requesting two environmental variances:

Variance #1: 25-8-301 & 302: To allow Construction on Slopes; *{Recommended by Staff with conditions; Recommended by EV Board with staff conditions – see below}.*

Variance #2: 25-8-423: To exceed allowable impervious cover in the Water Quality Transition Zone. *{Not Recommended by Staff, Conditional Approval by EV Board – see below}.*

SUMMARY STAFF RECOMMENDATION FOR VARIANCES:

Variance #1: LDC 25-8-301 & 302: To allow Construction on Slopes;

RECOMMENDED: The findings of fact have been met. Staff recommends approval of the variance from Section 25-8-301 & 302 with the following conditions:

1. All cut/fill to be structurally contained
2. All replacement trees to be Class 1 trees, container grown from native seed.
3. All COA required landscaping to utilize Grow Green Native or Adapted Materials
4. Provide an Integrated Pest Management Plan.
5. Forbid the use of cold-tar based parking lot sealants.

Variance #2: LDC 25-8-423: To exceed allowable impervious cover in the Water Quality Transition Zone (may not exceed 18% in WQTZ; applicant is proposing 27%).

NOT RECOMMENDED: The findings of fact have NOT been met; therefore, Staff does not recommend approval of this variance. Staff believes this site may be developed with the requirement that WQTZ not exceed the 18% limitation.

See attached Environmental Board support material for further information regarding the variances request (attachment ‘B’).

ENVIRONMENTAL BOARD RECOMMENDATION:

11-17-04: The Environmental Board recommended conditional approval of variances requested from the Land Development Code Sections: 1) 25-8-301 & 25-8-302 to allow construction on slopes and 2) 25-8-423 to exceed allowable impervious cover in the WQTZ for the Potter Dentistry project with the following conditions:

1. All cut/fill to be structurally contained;
2. All replacement trees to be Class 1 trees, container grown from native seed;
3. All COA required landscaping to utilize Grow Green Native or Adapted Materials;
4. Provide an Integrated Pest Management Plan;
5. Prohibit the use of cold-tar based parking lot sealants.

(See attachment ‘C’ for EV Board Memo for motion and rationale).

SUMMARY STAFF RECOMMENDATION: Staff does Not Recommend approval of this Hill Country Roadway site plan, due to the Water Quality Transition Zone issue. Staff believes this site may be developed with the requirement that WQTZ not exceed the 18% limitation.

COMMISSION ACTION:

The Zoning and Platting Commission heard the case on December 7, 2004 and approved the Hill Country Roadway site plan with the waiver and variances with the Environmental Board conditions (6-2).

CASE MANAGER: Sue Welch

PHONE: 974-3294

E-MAIL: sue.welch@ci.austin.tx.us

ENVIRONMENTAL STAFF: Chris Dolan

PHONE: 974-1881

E-MAIL: chris.dolan@ci.austin.tx.us

PROJECT INFORMATION:

LEGAL DESCRIPTION: 4.724 acres out of the William Swain Survey (C8i-03-0314)

ZONING: LO-CO, proposes medical/administrative office

MAX. BLDG. CVRG ALLOWED: 70%

PROPOSED BLDG. CVRG: 8272 sq. ft. (7.44%)

MAX. IMPERV. CVRG.: 40% (CWO)

PROPOSED IMP. CVRG: 38,152 sf (18.54%)

MAX HEIGHT ALLOWED: 28'*

PROPOSED HEIGHT: 28' (1 story)

MAX FAR ALLOWED: .20*

PROPOSED FAR: .04:1

REQUIRED PARKING: 41

PROVIDED PARKING: 41

MIN. REQ. HC NATURAL AREA: 40%

PROVIDED: 71%

*per HCRC Ordinance;

SUMMARY COMMENTS ON SITE PLAN:

Land Use: The project proposes to construct of two new buildings for medical office use (7,642 sq. ft.) with associated water quality and detention ponds, access drive and other associated improvements. An existing building previously used as a barn, will be used as administrative office (630 sq. ft.). The proposed development complies with compatibility standards. Along a portion of the south-side boundary will be screened with a 6 ft. wooden fence (per zoning ordinance) and remaining vegetative buffer, trees and shrubs. The applicant is using building materials that are compatible with the Hill Country environment and will install underground utilities where possible. Other than the 100 ft. vegetative buffer, this site complies with the Hill Country Roadway requirements.

Environmental: This site is located in the West Bull Creek watershed. The site is not located with the North Edward's Aquifer Recharge Zone, but is within the COA defined Drinking Water Protection Zone. There are no critical environmental features on site. The applicant is requesting two environmental variances: Variance #1: 25-8-301 & 302: To allow Construction on Slopes; {Recommended by Staff with Conditions; Recommended by EV Board with Staff conditions}; and Variance #2: 25-8-423: To exceed allowable impervious cover in the Water Quality Transition Zone. {Not Recommended by Staff, Conditional Approval by EV Board}. Staff believes this site may be developed with the requirement that WQTZ not exceed the 18% limitation. See attached EV memo for recommendations on variances.

Transportation: Access will be taken from FM 2222, and TxDOT has approved the proposed driveway. The estimated trip generation for this use complies with the zoning conditions for less than 2,000 vehicle trips per day. This site plan complies with all other transportation requirements.

SURROUNDING CONDITIONS:

Zoning/ Land Use

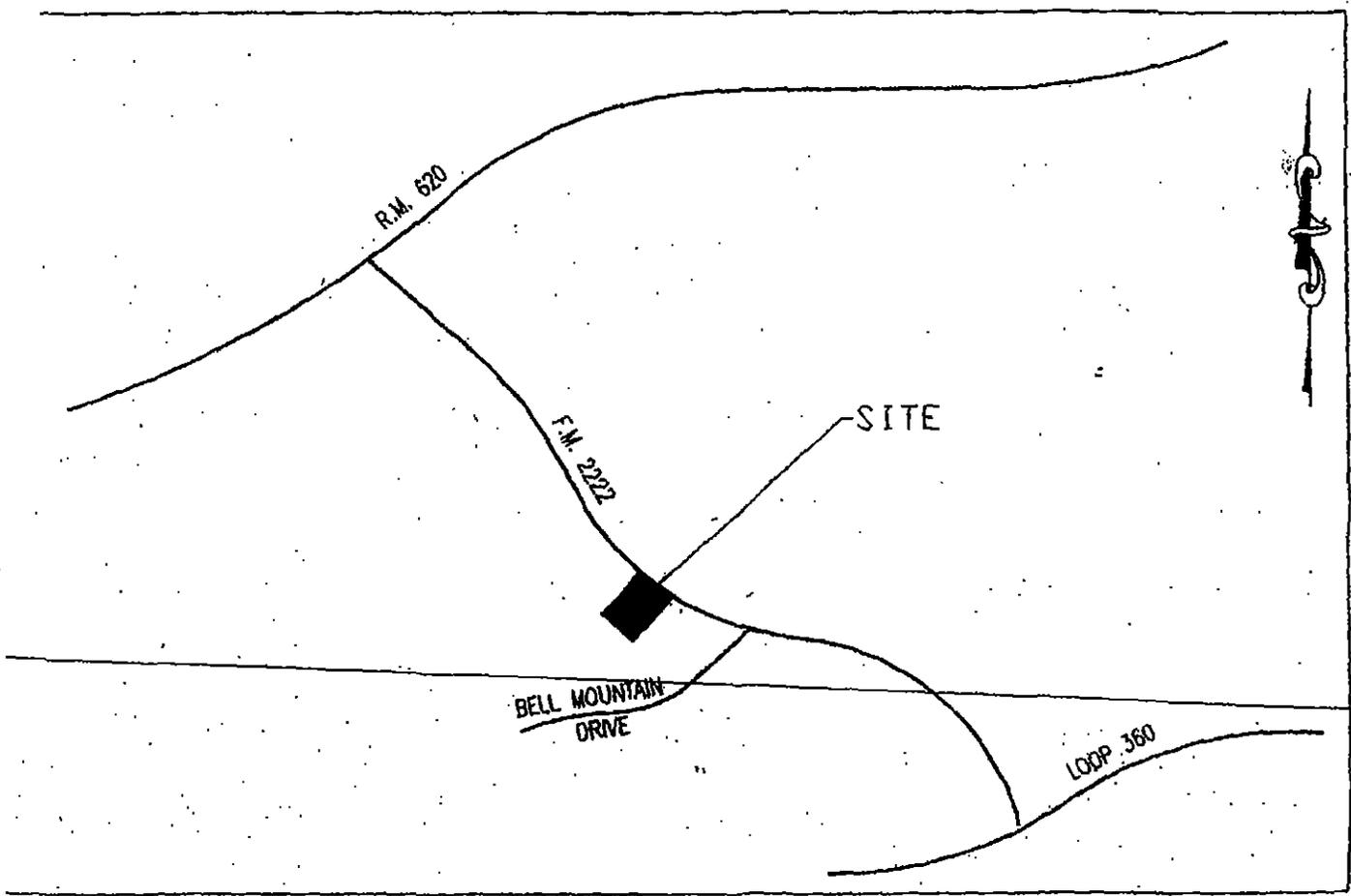
North: SF-2/RR – single family residence
East: FM 2222 (ROW 240')
South: NO, office and RR, single family residences
West: RR, single family residences

Street
FM 2222

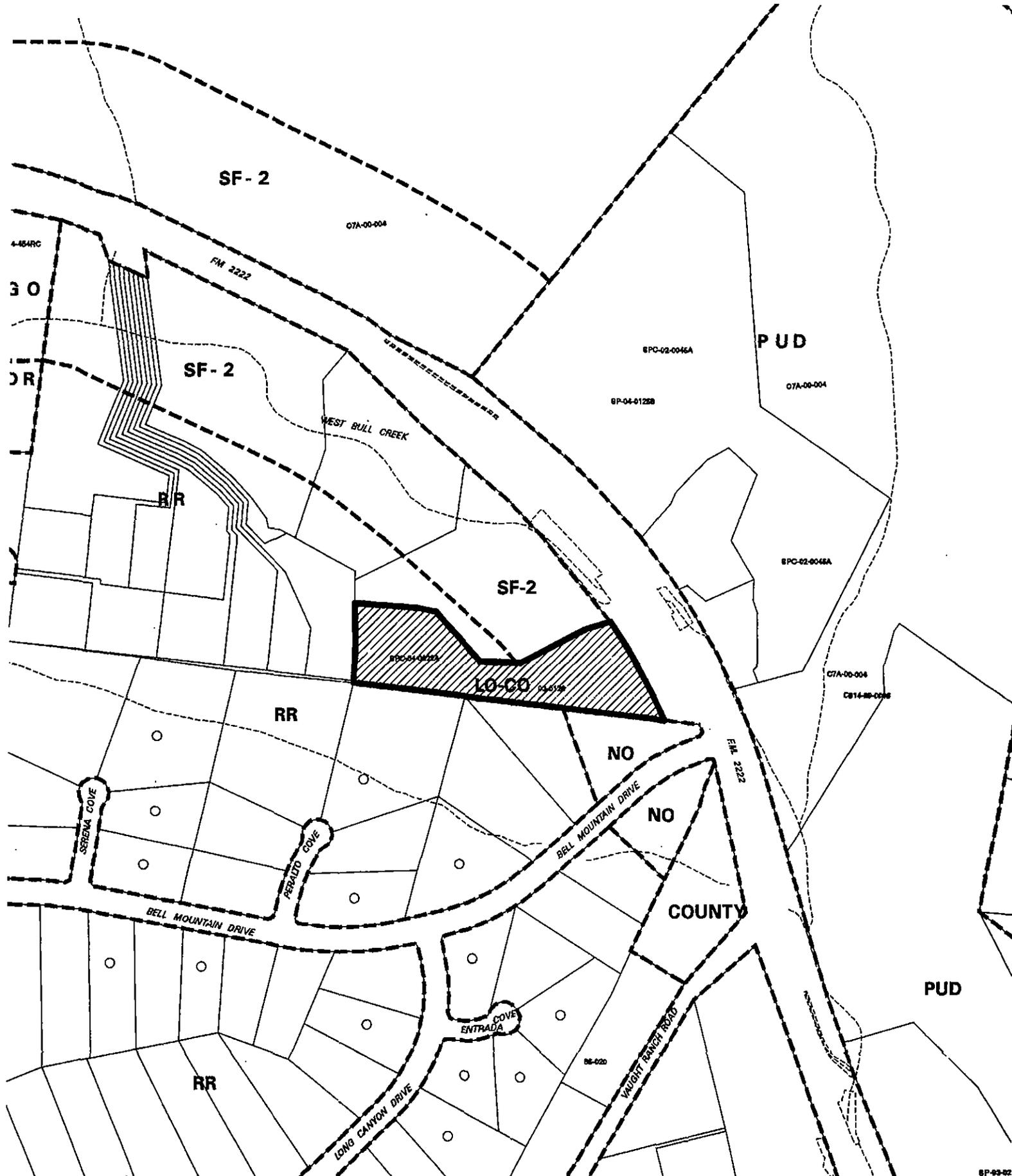
R.O.W.
240'

Surfacing
95'

Classification
Major Arterial



VICINITY MAP
(NOT TO SCALE)



		SITE PLAN CONSOLIDATED		CITY GRID REFERENCE NUMBER F31	
		CASE #: SPC-04-0022A			
		ADDRESS: FM 2222 NORTH OF BELL MOUNTAIN DR			DATE: 04-12
	CASE MGR: S. WELCH	SUBJECT AREA (acres): 4.724			INTLS: SM

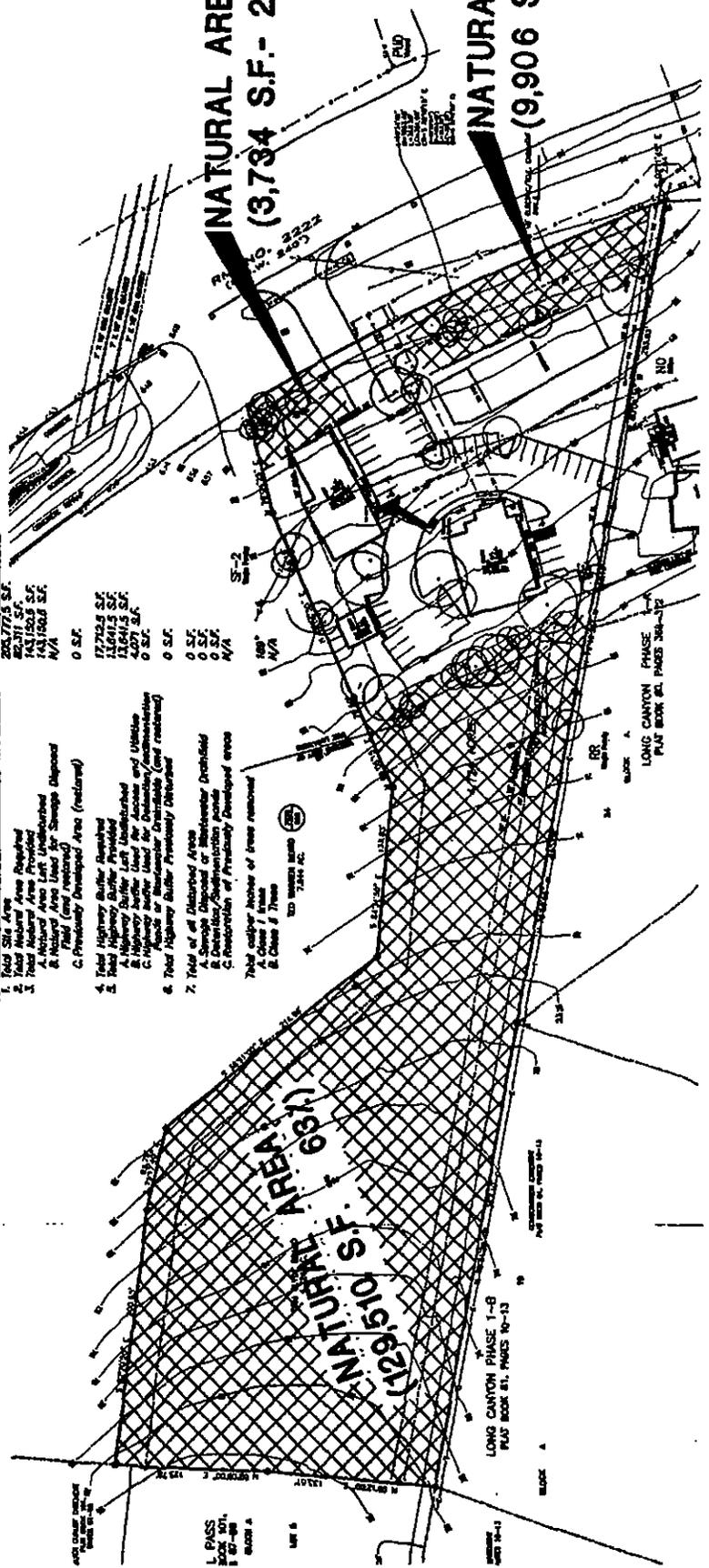
HILL COUNTRY LANDSCAPE CALCULATIONS

1. Total Site Area: 253,773 S.F.
2. Total Natural Area Required: 82,371 S.F.
3. Total Natural Area Provided: 143,150.5 S.F.
4. Natural Area Left Un disturbed: 143,150.5 S.F.
5. Natural Area Lost by: N/A
6. Total Land Previously Disturbed: 0 S.F.
7. Total Highway Buffer Area (restored): 17,752.8 S.F.
8. Total Highway Buffer Provided: 13,611.5 S.F.
9. Highway Buffer Area Lost: 4,141.3 S.F.
10. Highway Buffer Area Lost for Access and Utilities: 4,071 S.F.
11. Highway Buffer Area Lost for Driveways (non-residential): 70 S.F.
12. Access or Non-residential Driveways (not restored): 0 S.F.
13. Total Highway Buffer Previously Disturbed: 0 S.F.
14. Total of all Disturbed Areas: 0 S.F.
15. Areas to be Restored: 0 S.F.
16. Areas to be Reconstructed: 0 S.F.
17. Reinstatement of Previously Developed Areas: N/A

Total outdoor storage of areas removed:
 A. Areas of Trees
 B. Other of Trees

**NATURAL AREA
(3,734 S.F. - 2%)**

**NATURAL AREA
(9,906 S.F. - 5%)**

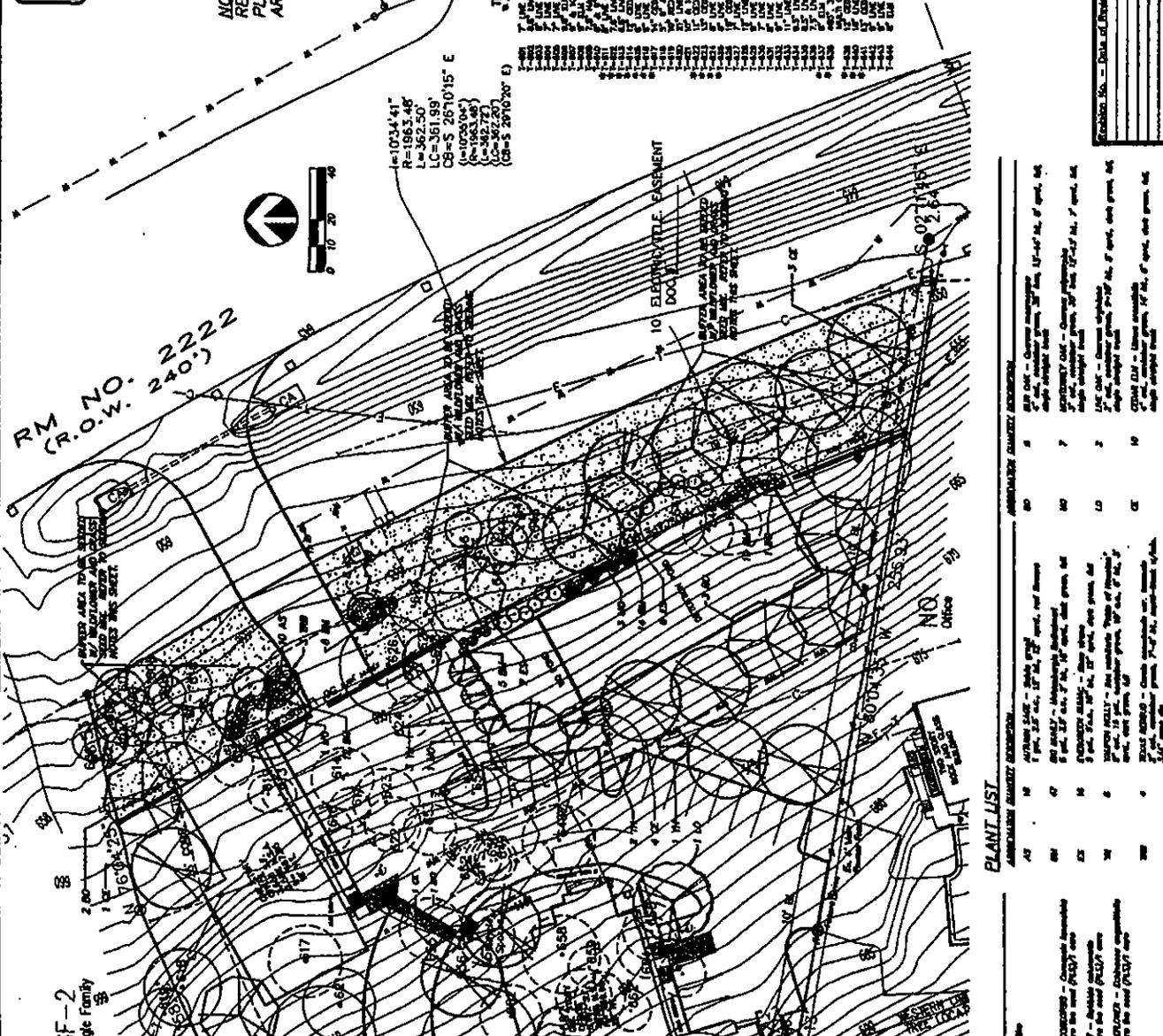


NATURAL AREA PLAN
 SCALE: 1" = 60'

NOTE: REFER TO "NATURAL AREA PLAN" SHEET 14 FOR NATURAL AREA DELINEATION

1034.41'
R=1962.46'
L=3621.60'
CG=S 20°10'15" E
(S=1034.41')
(L=3621.60')
(CG=S 20°10'15" E)

PUD Vacant



24 ACRES

RR Single Family

DOCK A

LONG CANYON PHASE 1-A
PLAT BOOK 80, PAGES 369-372

SEEDING NOTES

All areas not to be seeded with seedlings shall receive the following mixture of native grass seed and additional seed:

SEEDING NOTES

ALL GRASS - Broadcast (100%)
2 pounds per the seed (PLCY) rate

LEGUMES - Broadcast (100%)
2 pounds per the seed (PLCY) rate

LITTLE BLUESTEM - Broadcast (100%)
2 pounds per the seed (PLCY) rate

ORCHARD GRASS - Broadcast (100%)
2 pounds per the seed (PLCY) rate

PRICKLE PEAR - Broadcast (100%)
2 pounds per the seed (PLCY) rate

SEEDING NOTES

ALL GRASS - Broadcast (100%)
2 pounds per the seed (PLCY) rate

LEGUMES - Broadcast (100%)
2 pounds per the seed (PLCY) rate

LITTLE BLUESTEM - Broadcast (100%)
2 pounds per the seed (PLCY) rate

ORCHARD GRASS - Broadcast (100%)
2 pounds per the seed (PLCY) rate

PRICKLE PEAR - Broadcast (100%)
2 pounds per the seed (PLCY) rate

PLANT LIST

AMERICAN BURNING BUSH

1 10' - 12' tall, 1/2" dbh, 1/2" cal. 1/2" dbh, 1/2" cal.

2 10' - 12' tall, 1/2" dbh, 1/2" cal. 1/2" dbh, 1/2" cal.

3 10' - 12' tall, 1/2" dbh, 1/2" cal. 1/2" dbh, 1/2" cal.

4 10' - 12' tall, 1/2" dbh, 1/2" cal. 1/2" dbh, 1/2" cal.

5 10' - 12' tall, 1/2" dbh, 1/2" cal. 1/2" dbh, 1/2" cal.

6 10' - 12' tall, 1/2" dbh, 1/2" cal. 1/2" dbh, 1/2" cal.

7 10' - 12' tall, 1/2" dbh, 1/2" cal. 1/2" dbh, 1/2" cal.

8 10' - 12' tall, 1/2" dbh, 1/2" cal. 1/2" dbh, 1/2" cal.

9 10' - 12' tall, 1/2" dbh, 1/2" cal. 1/2" dbh, 1/2" cal.

10 10' - 12' tall, 1/2" dbh, 1/2" cal. 1/2" dbh, 1/2" cal.



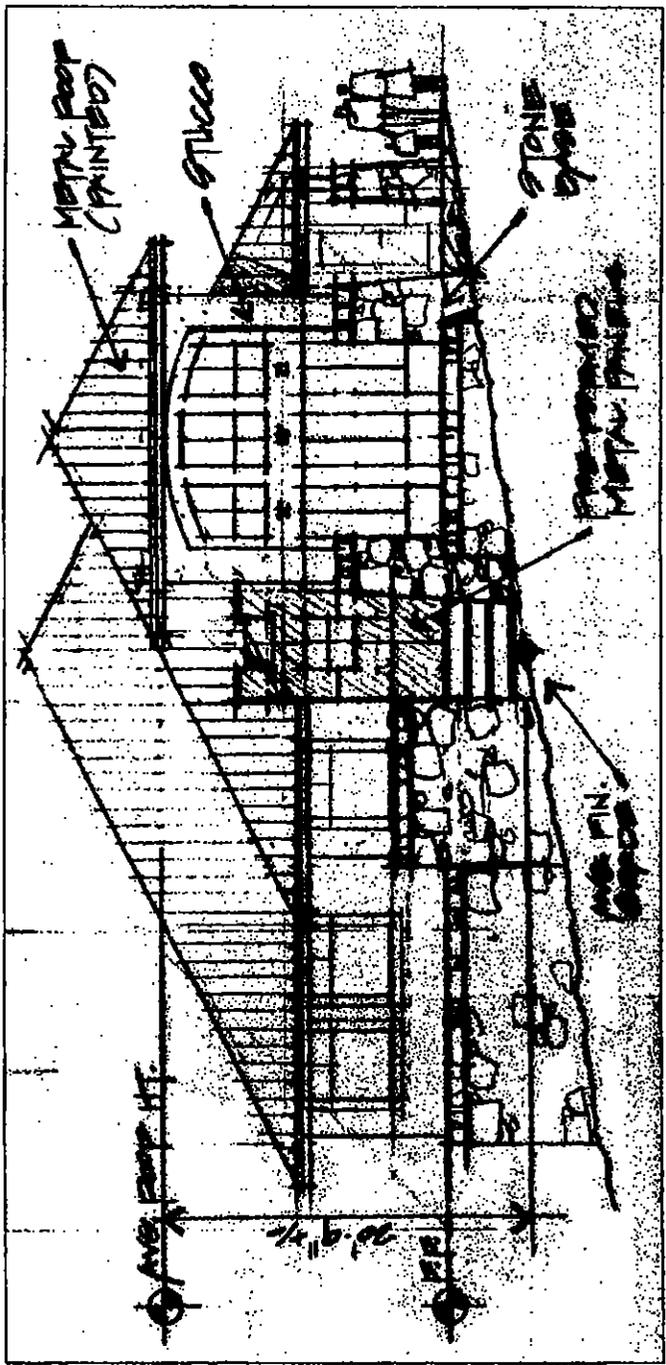
Professional No. - State of Texas - Expiration Date - Addressed To:

STATE OF TEXAS
DEPARTMENT OF COMMERCE
DIVISION OF PROFESSIONAL ENGINEERING
1500 NORTH BRASS
DALLAS, TEXAS 75201

NOT: ENGINEER SHALL BE RESPONSIBLE TO THE PUBLIC IN THE EVENT OF ANY DAMAGE TO PROPERTY OR PERSONS CAUSED BY THE USE OF ANY DESIGN OR SPECIFICATION PREPARED BY HIM OR HIS FIRM. THE ENGINEER SHALL BE RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION FURNISHED TO HIM BY HIS CLIENT. THE ENGINEER SHALL NOT BE RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION FURNISHED TO HIM BY HIS CLIENT.

POTTER DENTISTRY
7901 FM 2222, AUSTIN, TEXAS 78730
BUILDING ELEVATION

PROFESSIONAL ENGINEER
CONSULTING ENGINEER
POTTER DENTISTRY
7901 FM 2222, AUSTIN, TEXAS 78730



Vertical text on the left margin: POTTER DENTISTRY, 7901 FM 2222, AUSTIN, TEXAS 78730



ITEM FOR ENVIRONMENTAL BOARD AGENDA

BOARD MEETING DATE REQUESTED: November 17, 2004

NAME/NUMBER OF PROJECT: Potter Dentistry/SPC-04-0022A

NAME OF APPLICANT OR ORGANIZATION: Tom Beard
Jim Bennett (Agent), 784-4961

LOCATION: 7901 N. FM 2222

PROJECT FILING DATE: May 13, 2004

WATERSHED PROTECTION STAFF: Chris Dolan 974-1881
chris.dolan@ci.austin.tx.us

CASE MANAGER: Sue Welch 974-3294
sue.welch@ci.austin.tx.us

WATERSHED: West Bull (Water Supply Suburban)

ORDINANCE: CWO (Current Code)

REQUEST: Variance #1 from Land Development Code Section 25-8-301, 302 (Construction on Slopes).

Variance #2 from Land Development Code Section 25-8-423 (To Exceed Allowable Impervious Cover in WQTZ)

STAFF RECOMMENDATION: VARIANCE #1 RECOMMENDED WITH CONDITIONS. (FINDINGS OF FACT ARE MET)

VARIANCE #2 NOT RECOMMENDED (FINDINGS OF FACT ARE NOT MET)



MEMORANDUM

TO: Betty Baker
Chairman, City of Austin Zoning and Platting Commission

FROM: Chris Dolan, Senior Environmental Review Specialist
Watershed Protection and Development Review Department

DATE: December 7, 2004

SUBJECT: Potter Dentistry SPC-04-0022A

Description of Project Area

The proposed Potter Dentistry site is located at 7901 FM 2222, on the southeast side of 2222, near the intersection of Bell Mountain Drive. The site is within the full purpose jurisdiction of the City of Austin, and is bordered by an office building and Bell Mountain Drive to the south, FM 2222 to the east, and single family lots around the remainder of the property. The site is within the West Bull Creek Watershed, which is classified as a Water Supply Suburban Watershed by the City's Land Development Code (LDC). The site is not within the North Edwards Aquifer Recharge Zone, but is within the COA defined Drinking Water Protection Zone.

The 4.72 acre site is subject to the development limitations of the Comprehensive Watersheds Ordinance (CWO), as well as the Hill Country Roadway Corridor (HCRC) Ordinance. There is floodplain and Critical Water Quality Zone (CWQZ) located to the north of the property line, and the site itself includes Water Quality Transition Zone (WQTZ) associated with the referenced CWQZ. There is no CWQZ on site. Allowable impervious cover is limited to 40% in the uplands zone, and 18% within the WQTZ. Due to the topography of the site, a variance for construction on slopes is required to access the developable areas of the site. A second variance (to exceed allowable impervious cover within the WQTZ) is also being requested by the applicant.

Existing Topography and Soil Characteristics

The site contains some steep slopes, with natural drainage to the east/northeast towards FM 2222. Elevations range from approximately 760 feet above mean sea level (MSL) at the west end of the property, falling to approximately 650 feet above MSL at the 2222 ROW line. The topography is typical of Hill Country sites with bands of slopes separating terraced areas that are more suitable for development. Accessing the site from the 2222 ROW line, there are two terraced areas that are suitable for development, within the first 240-250 feet. After the first 250 feet (at the approximate location of the 685 foot contour line) the slopes become more severe, and no development is proposed above the steeper slopes. It should also be noted that development is further restricted adjacent to the ROW line by the requirement for a HCRC Buffer.

The soils on the site are very rocky, and are classified as Brackett (B1D), Brackett with rock outcrop (BoF), and Volente complex (VoD). They consist of clay and silty clay loams with moderately low permeability.

Vegetation

The site is located within the Edwards Plateau vegetation region of Texas. Vegetation is dominated by Ashe juniper (*Juniperus ashei*), Texas (or Spanish) oak (*Quercus texana*), and Plateau live oak (*Quercus fusiformis*). Understory and shrub species are very limited, as the site has historically been used for grazing. The site does not contain a large number of mature, Class 1 trees. All protected size trees will be preserved.

The site is subject to the Hill Country Roadway Corridor (HCRC) Ordinance, and as such is required to preserve 40% of the site as undisturbed natural area, and to provide a 100 foot HCRC Buffer from traffic on 2222. This project will comply with the 40% natural area requirement, as more than 50 percent of the site (above the steep slope line) will remain undisturbed. The project will require a waiver from the Zoning and Platting Commission to allow a reduced HCRC Buffer. As a code requirement, the HCRC Buffer must be restored per the standards of the Environmental Criteria Manual. As conditions of Staff support for the construction on slopes variance, the applicant has agreed that all replacement trees will be Class 1 trees that are container grown from native seed, and that all COA required landscaping will utilize Grow Green native or adapted material.

WAIVER

Staff supports the request to allow a reduced HCRC Buffer (from 100 to 50 feet) based on the topographical constraints of the site. The peculiar configuration of the tract, as well as the existence of steep slopes on a significant portion of the property, minimize the portion of the site that is suitable for development. The conditions of Staff support for the construction on slopes variance will ensure that the proposed development will equal or exceed code compliant development with respect to environmental protection.

Critical Environmental Features/Endangered Species

An Environmental Assessment provided by the applicant, as well as a site visits conducted by Watershed Protection Staff, confirmed that there are no critical environmental features (CEF's) either on or within 150 feet of the site. The applicant has agreed to participate in the BCCP Program to address the issue of endangered species.

Variance Requests

The variances being requested by this project are to LDC Sections 25-8-301 and 302 (for Construction on Slopes), and to LDC Section 25-8-423 (to allow impervious cover in excess of 18% within the WQTZ). Environmental Staff supports the request for the construction on slopes variance, as the topography of the site requires that such a variance would be necessary to allow any development on the property. Staff is not supporting the second variance because the site can be developed to a lower degree of intensity without exceeding the impervious cover limitations (18%) for the WQTZ. As conditions of staff support for the construction on slopes variance, all proposed cut/fill on the site will be structurally contained, an IPM Plan will be provided, and the use of coal-tar based asphalt sealants will be prohibited.

LDC 25-8-301, 302 Construction on Slopes

A driveway cannot be constructed on slopes in excess of 15%, unless the driveway is necessary to provide primary access to at least two (2) contiguous acres with a gradient of 15% or less; or building sites for at least five (5) residential units. A building or parking structure cannot be constructed on slopes in excess of 25%, or except for a parking structure, a parking area cannot be constructed on slopes in excess of 15%.

LDC 25-8-423 Water Quality Transition Zone

Section 25-8-423 of the Land Development Code states that impervious cover in the Water Quality Transition Zone (WQTZ), for project sites in Water Supply Suburban Watersheds, may not exceed 18 percent. In determining the land area within the WQTZ, land in the 100 year floodplain must be excluded.

The granting of the requested construction on slopes variance is recommended with conditions because the findings of fact have been met. The following are conditions of variance support:

Conditions

1. All cut/fill to be structurally contained.
2. All replacement trees to be Class 1 trees, container grown from native seed.
3. All COA required landscaping to utilize Grow Green Native or Adapted Material.
4. Provide an IPM Plan.
5. Forbid the use of cold-tar based parking lot sealants.

The granting of the requested variance to allow impervious cover to exceed 18 percent in the WQTZ is not recommended because the findings of fact were not met.

If you have any questions or require further assistance, please contact Chris Dolan at 974-1881.

Chris Dolan, Senior Environmental Review Specialist



Variance #1

**Watershed Protection and Development Review Department
Staff Recommendations Concerning Required Findings
Water Quality Variances**

Application Name: *Potter Dentistry*
Application Case No: *SPC-04-0022A*
Code Reference: *25-8-301, 302*
Variance Request: *Construction on Slopes*

A. Land Use Commission variance determinations from Chapter 25-8, Subchapter A – Water Quality of the City Code:

1. The requirement will deprive the applicant of a privilege or the safety of property given to owners of other similarly situated property with approximately contemporaneous development.

Yes/ In recent years, many similarly situated development projects have requested similar construction on slopes variances due to the same topographical conditions that are present at this site.

2. The variance:

- a) Is not based on a condition caused by the method chosen by the applicant to develop the property, unless the development method provides greater overall environmental protection than is achievable without the variance;

Yes/ Due to the topographical constraints of the site, construction on slopes would be required to access any of the developable portions of the site. A minimal number of parking spaces will need to occur on slopes between 15 and 25 percent, but will result in better preservation of Class 1 trees.

- b) Is the minimum change necessary to avoid the deprivation of a privilege given to other property owners and to allow a reasonable use of the property;

Yes/ Construction that triggers the requested variance will be limited to driveway access, and a minimal number of parking spaces.

- c) Does not create a significant probability of harmful environmental consequences; and

Yes/ The site contains no critical environmental features (CEF's). All cut/fill that is generated by the construction on slopes will be structurally contained. The site was designed to preserve as many Class 1 trees as possible. No protected size trees will be removed.

3. Development with the variance will result in water quality that is at least equal to the water quality achievable without the variance.

Yes/ Water Quality Controls will be designed to meet the current requirements of the Land Development Code.

B. Additional Land Use Commission variance determinations for a requirement of Section 25-8-393 (Water Quality Transition Zone), Section 25-8-423 (Water Quality Transition Zone), Section 25-8-453 (Water Quality Transition Zone), or Article 7, Division 1 (Critical Water Quality Zone Restrictions):

1. The above criteria for granting a variance are met;

N/A [summary of justification for determination]

2. The requirement for which a variance is requested prevents a reasonable, economic use of the entire property; and

N/A [summary of justification for determination]

3. The variance is the minimum change necessary to allow a reasonable, economic use of the entire property.

N/A [summary of justification for determination]

Reviewer Name: Chris Dolan

Reviewer Signature: _____

Date: [Date of determination]

Staff may recommend approval of a variance after answering all applicable determinations in the affirmative (YES).

VARIANCE #1

NET SITE AREA CALCULATIONS

Existing Impervious Cover 13,651 s.f.
 Proposed Impervious Cover
 Buildings 8,272 s.f. (4.02% G.S.A. 8,468 N.S.A.)
 Pavement 21,135 s.f.
 Total 29,407 s.f.
 Roadway Impact 8,745 s.f.
 Percent Impervious 18.54% (G.S.A. 25.17% N.S.A.)
 Total grass area = 205,787 s.f.
 Site Deductions: Critical Water Quality Zone (CWQZ) = 0.00 Acres
 Water Quality Formation - Zone 0 (WQZF) = 87,845 S.F.
 Wetland area = 0.00 Acres
 Deduction subtotal = 87,845 S.F.
 Upland area (Grass area minus total deductions) = 117,942 s.f.
 Net Site Area Calculations:
 Area of Uplands with Slopes 0-15% = 119,075 s.f. % = 119,075 s.f.
 Area of Uplands with Slopes 15-25% = 74,880 s.f. % = 30,796 s.f.
 Area of Uplands with Slopes 25-35% = 6,486 s.f. % = 1,688 s.f.
 Net Site Area (Subtotal) = 151,550 s.f.

POTTER DENTISTRY
7901 FM 2222, AUSTIN TEXAS 78730

PROPOSED IMPERVIOUS COVER ON SLOPES

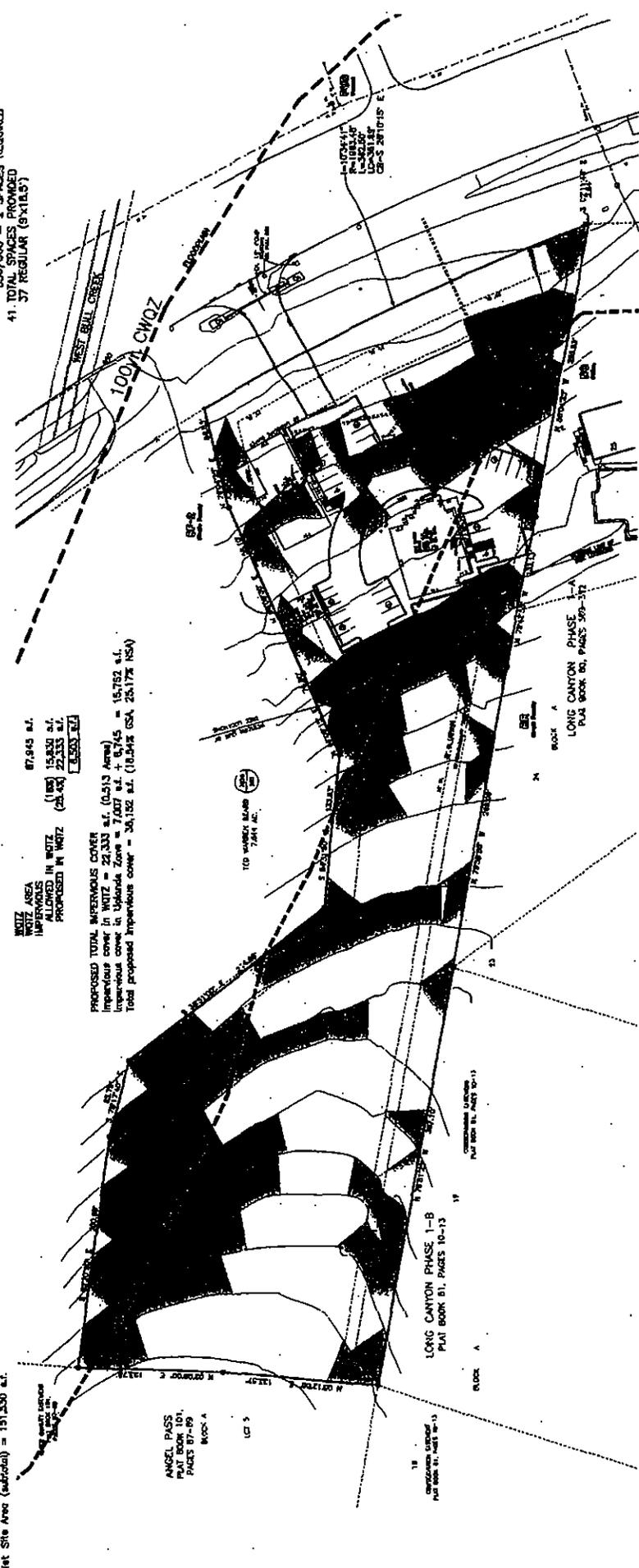
SLOPE CATEGORIES	IMPERVIOUS COVER		BLOSS / OTHER		DRIVES, ROADS, ETC		MPSEL ALLOWED		SUPER PROPOSED	
	Area (s.f.)	F.A.R.	Area (s.f.)	% of Category	Area (s.f.)	% of Category	Area (s.f.)	% of Category	Area (s.f.)	% of Category
0-15%	150,075	0.060	7,192	8.04	15,281	10.11	47,520	31.66	21,135	14.04
15-25%	74,880	0.014	1,080	1.40	5,874	7.84	7,888	10.53	0	0.00
25-35%	6,486	0.00	0.00	0.00	0	0.00	96	1.48	0	0.00
>35%	961	0.00	0.00	0.00	0	0.00	0	0.00	0	0.00
Total Site Area	205,787 G.S.A.									

WQZF AREA IMPERVIOUS ALLOWED IN WQZF 87,845 s.f.
 PROPOSED IN WQZF 15,281 s.f.
 22,333 s.f.
 2,552 s.f.

PROPOSED TOTAL IMPERVIOUS COVER
 Impervious cover in WQZF = 22,333 s.f.
 Impervious cover in Upland Zone = 7,007 s.f. @ 8.745% = 15,752 s.f.
 Total proposed Impervious cover = 30,152 s.f. (18.54% G.S.A. 25.17% N.S.A.)

ROADWAY IMPACT CALCULATIONS
 F.A.R. 2222 = 40%
 1/2 P.A.M. WITH = 40%
 40/700 = 4.44% ROADWAY IMPACT ALLOWABLE ENTERED F. IMPACT = 40%
 1.57584 = 5.88634 = 87.45 s.f. IMPACT

EXISTING IMPERVIOUS COVER 712 s.f.
 EXISTING BUILDINGS 12,939 s.f.
 EXISTING DRIVES/WALKS 13,651 s.f.
 TOTAL EXISTING IMPERVIOUS (6.83% G.S.A. 9.34% N.S.A.)
 PROPOSED IMPERVIOUS COVER 8,272 s.f.
 PROPOSED BUILDINGS 21,135 s.f.
 PROPOSED DRIVES/WALKS 8,745 s.f.
 TOTAL PROPOSED IMPERVIOUS 38,152 s.f.
 (18.54% G.S.A. 25.17% N.S.A.)
 F.A.R. = .04
 PARKING TABLE
 MEDICAL OFFICE = 7,642 s.f.
 MEDICAL OFFICE = 39 SPACES REQUIRED
 ADMINISTRATIVE OFFICE = 630 s.f.
 630/300 = 2 SPACES REQUIRED
 41. TOTAL SPACES PROVIDED (9x18.5)
 37 REGULAR (9x18.5)



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Prossner and Associates, Inc.
 Consulting Engineers
 1377 Road 9425, Rt. 200, 104
 Austin, Texas 78725
 Project # 110-818-343
 Date: 07/12/87

4.724 ACRES OF LAND, A PORTION OF
 THE HRS. WM. L. SWAIN SURVEY NO. 810, ABSTRACT NO. 727,
 CITY OF AUSTIN, TRAVIS COUNTY, TEXAS



Variance #2

**Watershed Protection and Development Review Department
Staff Recommendations Concerning Required Findings
Water Quality Variances**

Application Name: *Potter Dentistry*
Application Case No: *SPC-04-0022A*
Code Reference: *25-8-423*
Variance Request: *To exceed Allowable impervious cover in Water Quality Transition Zone*

A. Land Use Commission variance determinations from Chapter 25-8, Subchapter A – Water Quality of the City Code:

1. The requirement will deprive the applicant of a privilege or the safety of property given to owners of other similarly situated property with approximately contemporaneous development.

No/ Reviewer was unable to document any similarly situated development projects, for which a variance to exceed allowable impervious cover in the WQTZ was approved.

2. The variance:

- a) Is not based on a condition caused by the method chosen by the applicant to develop the property, unless the development method provides greater overall environmental protection than is achievable without the variance;

No/ The variance is based on the method chosen by the applicant to develop the property, and the method of development does not provide greater overall environmental protection than is achievable without the variance.

- b) Is the minimum change necessary to avoid the deprivation of a privilege given to other property owners and to allow a reasonable use of the property;

No/ The site could be developed (allowing a reasonable use of the property), and remain within the code limitation for impervious cover in the WQTZ, without depriving the applicant of a privilege given to other property owners.

- c) Does not create a significant probability of harmful environmental consequences; and

No/ The applicant is requesting a waiver to allow for a reduction of the required (per the HCRC zoning ordinance) Hill Country Buffer, and Staff is unable to justify any request for additional impervious cover when the applicant is unable to strictly comply with zoning requirements for the HCRC Buffer.

3. Development with the variance will result in water quality that is at least equal to the water quality achievable without the variance.

Yes/ It is a code requirement that Water Quality Controls would have to be designed to treat all impervious cover within the WQTZ.

B. Additional Land Use Commission variance determinations for a requirement of Section 25-8-393 (Water Quality Transition Zone), Section 25-8-423 (Water Quality Transition Zone), Section 25-8-453 (Water Quality Transition Zone), or Article 7, Division 1 (Critical Water Quality Zone Restrictions):

1. The above criteria for granting a variance are met;

No/ Staff has determined that the above criteria for granting a variance have not been met.

2. The requirement for which a variance is requested prevents a reasonable, economic use of the entire property; and

No/ The requirement for which the variance is requested does not prevent a reasonable, economic use of the entire property. The site could be developed, and remain code compliant with respect to impervious cover in the WQTZ.

3. The variance is the minimum change necessary to allow a reasonable, economic use of the entire property.

No/ Per the previous finding, Staff has determined that the requirement for which the variance is requested does not prevent a reasonable, economic use of the entire property. Therefore, the variance cannot be considered the minimum change to allow a reasonable, economic use of the entire property.

Reviewer Name: Chris Dolan

Reviewer Signature: _____

Date: [Date of determination]

Staff may recommend approval of a variance after answering all applicable determinations in the affirmative (YES).



Prossner and Associates, Inc.

Consulting Engineers

2601 Chitina Court
Cedar Park, Texas 78613
(512) 918-3343

November 30, 2004

Ms. Tammy Williamson, Assistant Director
Development Review and Inspection Department
505 Barton Springs Road
Austin, Texas 78701

waiver

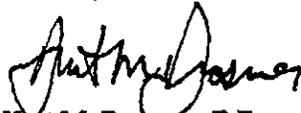
**Re: Request for a waiver (section 25-2-1123) - Potter Dentistry
7901 FM 2222, Austin, Texas .**

Ms. Williamson,

This correspondence is a formal request for consideration of a waiver from Section 25-2-1123 to reduce the required 100 foot vegetative buffer setback on a Hill Country Site Plan for the above referenced site. The waiver is needed to allow the Owner to construct improvements within the 100 foot vegetative buffer imposed by the Hill Country Roadway Ordinance. The Owner is requesting a 50 foot setback due to extreme grades on the site the further you get from FM 2222.

Should you have any questions, please contact our office at 918-3343.

Sincerely,



Kurt M. Prossner, P.E.
President

cc: Dr. Jim Potter

file:potter_dentistry/setback_waiver.doc

Variance #1

October 12, 2004

Ms. Tammie Williamson, Assistant Director
Environmental and Conservation Services Department
City of Austin
505 Barton Springs Road
Austin, Texas 78701

Re: Variance Request for Potter Dentistry - 7901 FM 2222

Ms. Williamson,

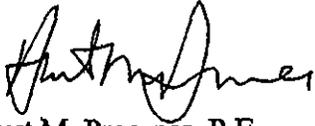
This correspondence is being submitted as a request for a variance from Section's 25-8-301 and 25-8-302 of the City of Austin Land Development Code for the above referenced Site Plan Application. The variance request is to allow construction of parking facilities on slopes in excess of fifteen (15) percent. The site has steep grades starting from FM 2222 and the only area where safe and useable parking can be placed is in the front portion which has the only buildable areas where the structures can be located.

To meet the parking requirements of the Land Development Code and to provide safe and accessible parking there are limited areas on the site where the parking can be located. We have placed the parking where there will be minimal disturbance to several large trees that the Owner wants to keep but in steeper areas of the site. Several of these trees are located in areas where the slopes are less than 15% but to keep the trees we have elected to leave the root zones undisturbed. It must also be noted that access to the site from FM 2222 can not be gained without crossing an area with slopes in excess of fifteen (15) percent.

It is our opinion that approval of the variance request will not provide the applicant with a special privilege over similar developments as this area generally has extreme topography and tracts in this area would not be able to be developed without some relief to the construction on slopes requirements. The areas where the variance is requested are very isolated and the site can not be designed differently due to the natural grade on the site and the need to minimize the internal drive slopes to accommodate ADA requirements. The variance approval we believe is a minimum departure from the Land Development Code and the approval of the variance will not create any significant environmental consequences.

Should you have any questions or require any additional information, please contact our office.

Sincerely,

A handwritten signature in black ink, appearing to read "Kurt M. Prossner". The signature is written in a cursive style with a large initial "K" and "P".

Kurt M. Prossner, P.E.
President

cc: Mr. James Potter

file:potter_dentistry/variance_slopes.doc

Prossner and Associates, Inc.

Consulting Engineers

16400 Chitina Court
Cedar Park, Texas 78613
(512) 918-3343

October 12, 2004

Ms. Tammie Williamson, Assistant Director
Environmental and Conservation Services Department
City of Austin
505 Barton Springs Road
Austin, Texas 78701

Variance #2

Re: Variance Request for Potter Dentistry - 7901 FM 2222

Ms. Williamson,

This correspondence is being submitted as a revised request for a variance from Section 25-8-423 (B) and Section 25-8-423 (C) of the City of Austin Land Development Code for the above referenced Site Plan Application. The variance request is to allow increased impervious cover in the water quality transition zone. The increased impervious cover being requested is for approximately 6,503 s.f. (allowable is 15,830 s.f. and proposed is 22,333 s.f.).

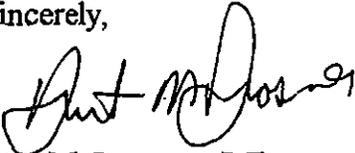
The site is located in the West Bull Creek Watershed which is a Water Supply Suburban watershed and the main branch of West Bull Creek is located directly across FM 2222 from the site. The main branch of West Bull Creek runs on the south side of FM 2222 until it crosses in a culvert approximately 85 feet west of the west property line of the tract. The creek drains approximately 822 acres which classifies it as a major and thus there is a 300 foot water quality transition zone which effects the tract and which is measured from the 100 year floodplain. We have attached copies of the aerial photo from the City of Austin GIS system which indicates the flood zone and the tract location.

It is our opinion that approval of the variance request will not provide the applicant with a special privilege over similar developments as this area generally has steep topography and development of the tract would not be possible further from FM 2222 due to the extreme topographic conditions. We have worked very diligently with staff to try and locate the buildings and drives in an area most suitable in terms of slopes and the least environmentally sensitive. It should also be noted that we feel the intent of the ordinance was to protect the creek from unregulated runoff. The site does not drain directly into this portion of West Bull Creek and all of the proposed development will be directed to an on site water quality and detention pond where it will be treated and released into the right of way of FM 2222. We feel that because there is an arterial located between the site and the creek that the setback requirements of the ordinance should be less stringent.

If the variance is not approved the development will have to be pushed further away from FM 2222 and into more sensitive sloped areas and which may result in additional variances being necessary for cut and fill and construction on slopes. We believe the variance request represents a minimum departure from the Land Development Code and the approval of the variance will not create any significant environmental consequences.

Should you have any questions or require any additional information, please contact our office.

Sincerely,

A handwritten signature in black ink, appearing to read "Kurt M. Prossner". The signature is written in a cursive style with a large, stylized initial "K".

Kurt M. Prossner, P.E.
President

cc: Mr. James Potter

file:potter_dentistry/variance1.doc



ENVIRONMENTAL BOARD MOTION 111704-B1

Date: November 17, 2004

Subject: Potter Dentistry

Motioned By: Phil Moncada

Seconded By: Bill Curra

Recommendation

The Environmental Board recommends **conditional approval** of the variances requested from the Land Development Code Sections: 1) 25-8-301, 25-8-452 and 25-8-302 – to allow construction on slopes and 2) 25-8-423 – to exceed the allowable impervious cover in the WQTZ for the Potter Dentistry project with the following conditions:

Staff Conditions

1. All cut/fill to be structurally contained;
2. All replacement trees to be Class 1 trees, container grown from native seed;
3. All COA required landscaping to utilize grow green native or adapted material;
4. Provide an IPM Plan;
5. Prohibit the use of coal-tar based asphalt sealants.

Rationale

Texas Department of Transportation (TXDOT) roadway and concrete rip rap provide conveyance of runoff that is not treated in WQTZ. Increased capture volume and treatment of runoff by 100% in excess of code requirements. Rear portion of undeveloped site where steeper slopes and larger class 1 trees are located remain undisturbed. 100 year CWQZ appears to be inaccurate due to TXDOT improvements and lack of drainage study. Therefore the applicant meets intent and spirit of the ordinance. The Environmental Board does not believe this case should be use as a precedent due to unusual circumstances noted above.

Continued on back

Vote 5-0-0-2

For: Ascot, Curra, Holder, Moncada, Riley

Against: None

Abstain: None

Absent: Anderson, Maxwell,

Approved By:

Mary Ruth Holder, Chair

Response from Applicant and Letters of Support

James V. Potter, DDS, PA
8412 Long Canyon Drive
Austin, TX 78730-2810
(512) 241-1281

January 16, 2005

City Council
City Hall
301 W. 2nd St.
Austin, Texas

Dear Council Members,

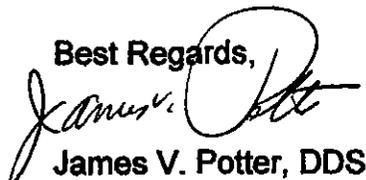
Attached for your review are 29 letters of support for Site Plan SPC-04-0022A, Potter Dentistry. Each letter was obtained after meeting one-on-one with the endorsing party and discussing the project. Included with the letters are three documents that show the location and site plan (titled "Project Location", "Original Site Plan: Three Buildings", and "Final Site Plan: Reduced to Two Buildings").

The respondents represent owners and residents of almost all of the land bordering the east- and west-side of FM2222, from City Park Road on the south to the far side of the Park 22 complex to the north. Every single-family home owner on FM2222 within two miles of my proposed office, except one, supports the site plan (the home owner not represented could not be contacted). These home owners have lived on FM2222 for multiple generations and are very familiar with FM2222 issues and growth.

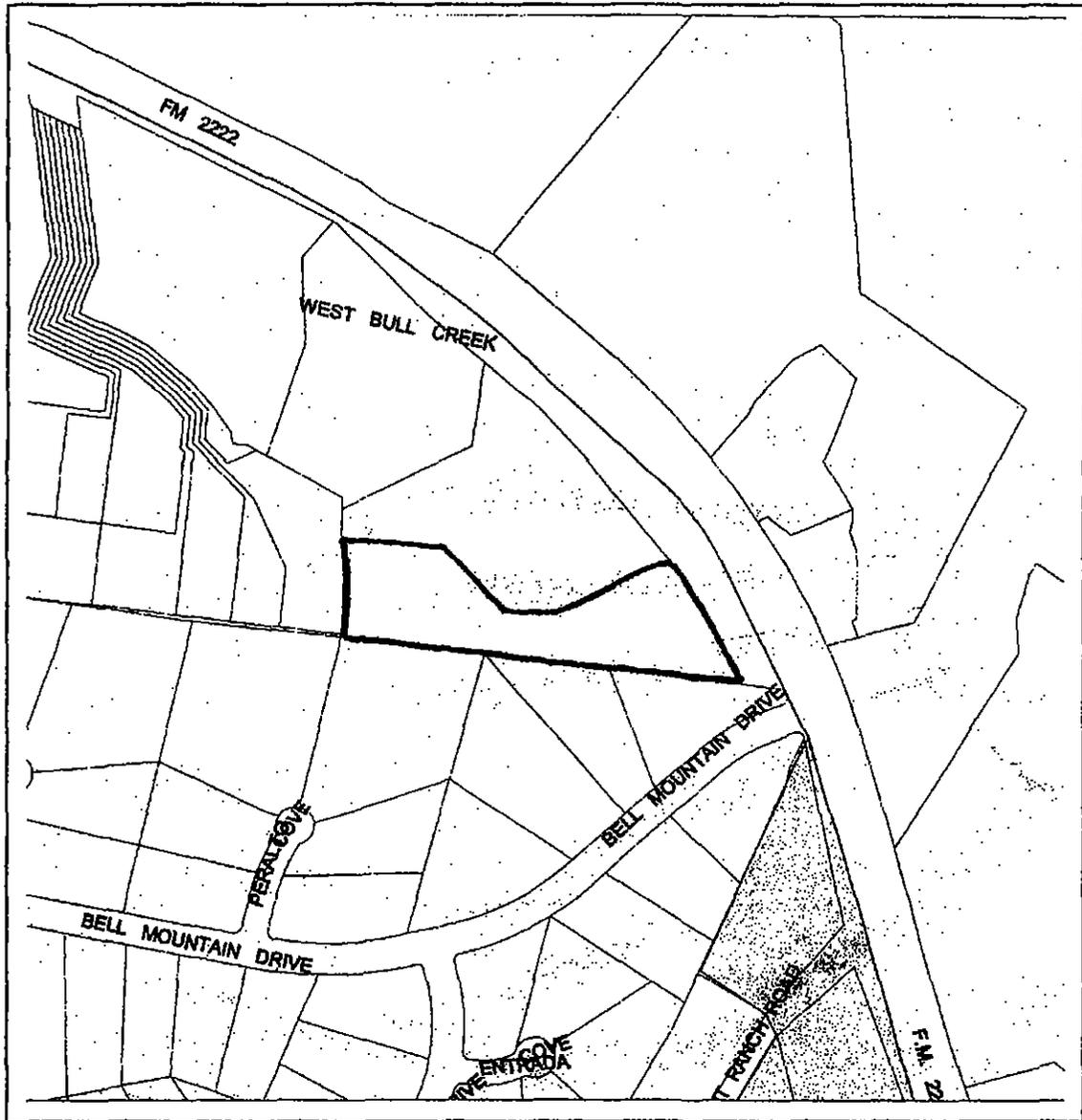
Home and land owners that border my property also responded. Each owner bordering the east, west, and north are supporting my project. Home owners bordering to the south are residents of the Long Canyon subdivision. Of the nine letters of protest from the Long Canyon Home Owners Phase II/III submitted to the City Zoning and Platting Commission hearing on December 7, 2004, none bordered my property or are within 500 feet. In fact, many of the letters of support come from home owners of Long Canyon subdivision.

In summary, there is broad support for this project. I and members of this project request you affirm the original decisions of the Environmental Board and City Zoning and Platting Commission by approving the submitted site plan.

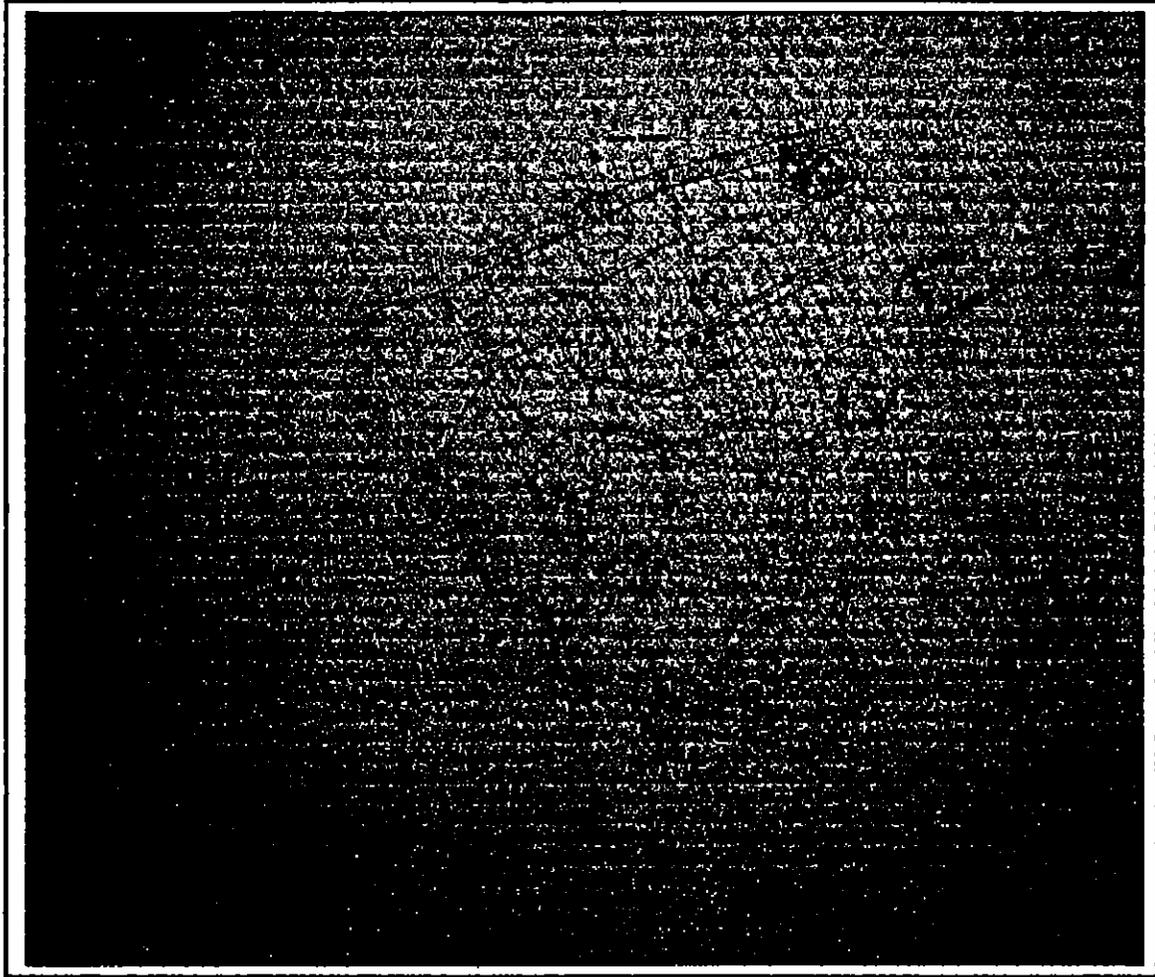
Thank you.

Best Regards,

James V. Potter, DDS

Project Location



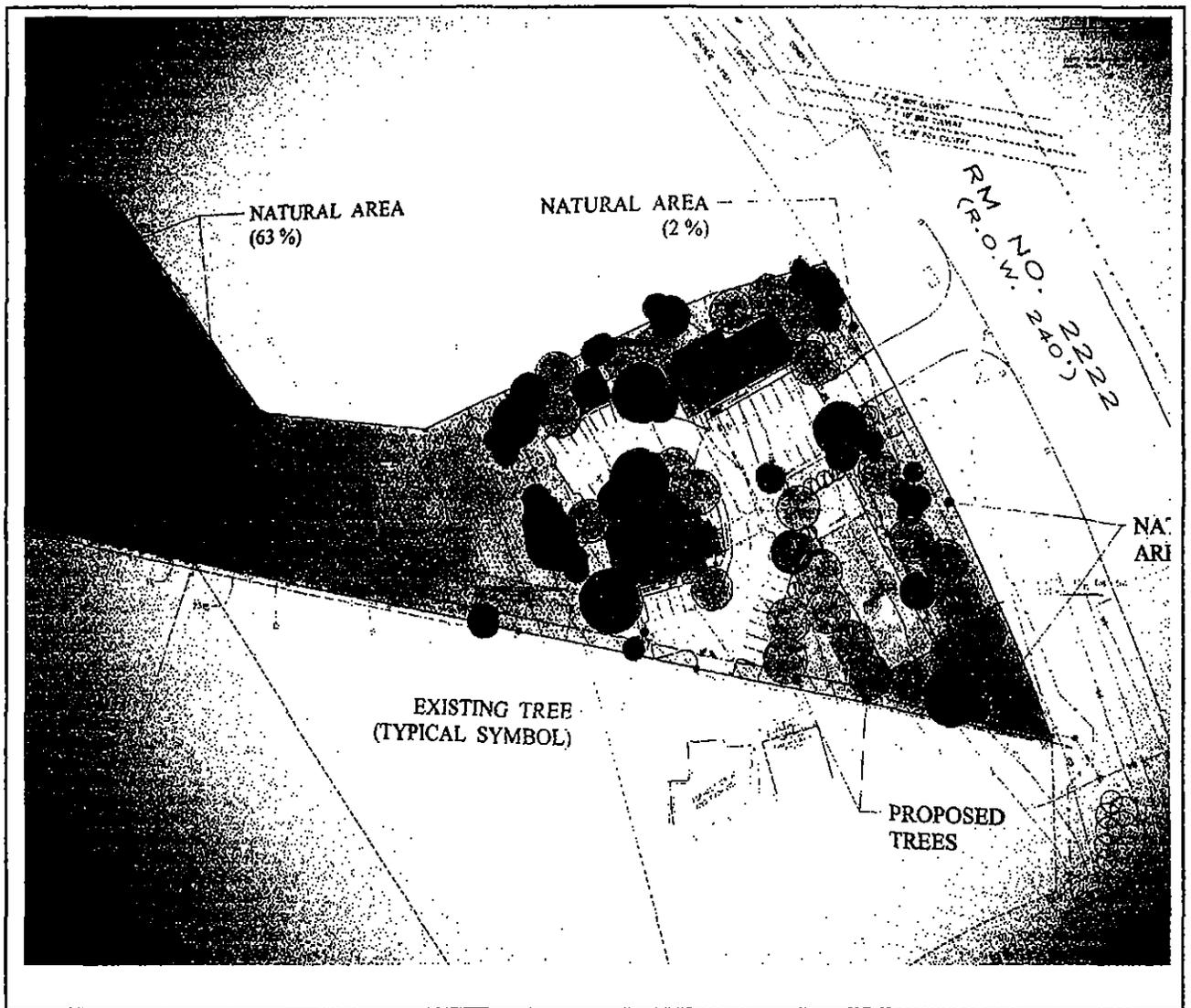
Original Site Plan. Three Buildings



Final Site Plan. Reduced To Two Buildings
Reduced Square Footage.

SPC-04-0022A

City Environmental Board- Approved
City Staff- Approved
City Planning and Zoning Commission-
Approved



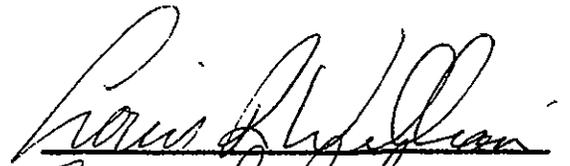
12-31-2004

To: City Council

Subject: Sight Plan SPC-04-0022A Potter
Dentistry

We (I) the undersigned have reviewed the proposed site plan approved by the Austin Environmental Board and Austin City Zoning and Platting Commission for Site Plan SPC-0400022A Potter Dentistry and have no objections.

Thank you.


Paul R. Williams
General Partner
FM 2222/Project P
55 ACRES on FM 2222

Environmental Board and Austin City Zoning
and Planning Commission for Site Plan SPC-
0400022A Potter Dentistry and have no
objections.

Thank you

Signature:



Address:

9471 Steep Hollow
Bryan, TX 77808

For Beard Family
Partnership.

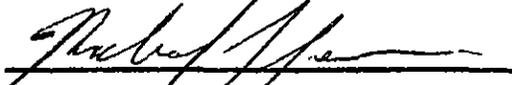
12-31-2004

To: City Council

Subject: Sight Plan SPC-04-0022A Potter
Dentistry

We (I) the undersigned have reviewed the proposed site plan approved by the Austin Environmental Board and Austin City Zoning and Platting Commission for Site Plan SPC-0400022A Potter Dentistry and have no objections.

Thank you.



Michael Sewell

5901 Standing Rock Dr.

Austin, TX 78730

12-31-2004

To: City Council

Subject: Sight Plan SPC-04-0022A Potter
Dentistry

We (I) the undersigned have reviewed the proposed site plan approved by the Austin Environmental Board and Austin City Zoning and Platting Commission for Site Plan SPC-0400022A Potter Dentistry and have no objections.

Thank you.

Garry Stobaugh
8500 Long Canyon
Austin, TX 78730

12-31-2004

To: City Council

Subject: Sight Plan SPC-04-0022A Potter
Dentistry

We (I) the undersigned have reviewed the proposed site plan approved by the Austin Environmental Board and Austin City Zoning and Platting Commission for Site Plan SPC-0400022A Potter Dentistry and have no objections.

Thank you.


Laurie Spertazza
12009 Tarraza Ct.
Austin TX 78732

12-31-2004

To: City Council

Subject: Sight Plan SPC-04-0022A Potter
Dentistry

We (I) the undersigned have reviewed the proposed site plan approved by the Austin Environmental Board and Austin City Zoning and Platting Commission for Site Plan SPC-0400022A Potter Dentistry and have no objections.

Thank you.

Albert V. Alvarez
8602 LONG CANYON DR
AUSTIN, TX 78730
(512) 854-9373

1/8/2005

To: City Council

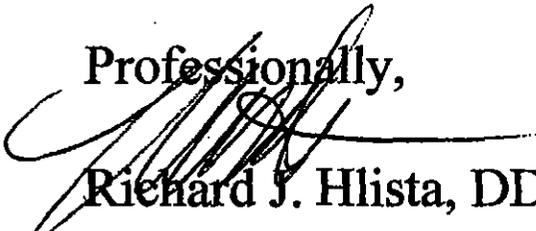
Subject: Sight Plan SPC-04-0022A Potter Dentistry

I, as a practicing dentist here in Austin and also a resident of Long Canyon, can first handedly say that not only will a dental office in this area be a very welcomed and needed service, but that such an enterprise will have a very minimal negative impact on the environment both physically and socially.

I know from my own experience that such a profession has a relatively low volume of patrons/patients per day and any traffic impact would be negligible. Furthermore, the small footprint of necessary office space will allow for conservation of a large portion of the natural vegetation in the local area.

I highly support the proposed land use of this approved site plan.

Professionally,



Richard J. Hlista, DDS

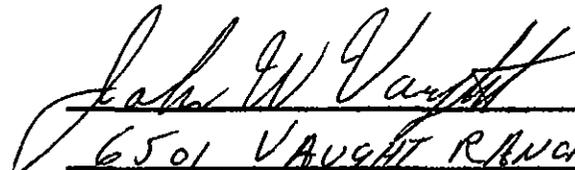
12-31-2004

To: City Council

Subject: Sight Plan SPC-04-0022A Potter
Dentistry

We (I) the undersigned have reviewed the proposed site plan approved by the Austin Environmental Board and Austin City Zoning and Platting Commission for Site Plan SPC-0400022A Potter Dentistry and have no objections.

Thank you.


Leah W. Vaught
6501 VAUGHT RANCH RD
Kimberly Vaught (spouse)

12-31-2004

To: City Council

Subject: Sight Plan SPC-04-0022A Potter
Dentistry

We (I) the undersigned have reviewed the proposed site plan approved by the Austin Environmental Board and Austin City Zoning and Platting Commission for Site Plan SPC-0400022A Potter Dentistry and have no objections.

Thank you.



6716 S CUESTA TR.
Austin, TX 78750

12-31-2004

To: City Council

Subject: Sight Plan SPC-04-0022A Potter
Dentistry

We (I) the undersigned have reviewed the proposed site plan approved by the Austin Environmental Board and Austin City Zoning and Platting Commission for Site Plan SPC-0400022A Potter Dentistry and have no objections.

Thank you.

Mark Seale
6500 ALABAMA C.
AUSTIN, TX 78730

12-31-2004

To: City Council

Subject: Sight Plan SPC-04-0022A Potter
Dentistry

We (I) the undersigned have reviewed the proposed site plan approved by the Austin Environmental Board and Austin City Zoning and Platting Commission for Site Plan SPC-0400022A Potter Dentistry and have no objections.

Thank you.

Valery J. Borman
5905 Deep Springs Cr.
Austin, TX 78730

12-31-2004

To: City Council

Subject: Sight Plan SPC-04-0022A Potter
Dentistry

We (I) the undersigned have reviewed the proposed site plan approved by the Austin Environmental Board and Austin City Zoning and Platting Commission for Site Plan SPC-0400022A Potter Dentistry and have no objections.

Thank you.


Charles Kirkpatrick
7901 Bell Mountain Dr.
Austin Texas 78730

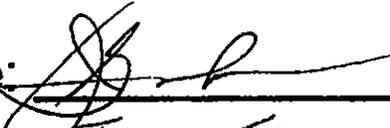
12-31-2004

To: City Council

Subject: Sight Plan SPC-04-0022A Potter
Dentistry

We (I) the undersigned have reviewed the proposed site plan approved by the Austin Environmental Board and Austin City Zoning and Platting Commission for Site Plan SPC-0400022A Potter Dentistry and have no objections.

Thank you.

Signature: 

Address: James Graham

6507 Jester Blvd. Bk5/ste 5100
Austin, TX 78750

12-31-2004

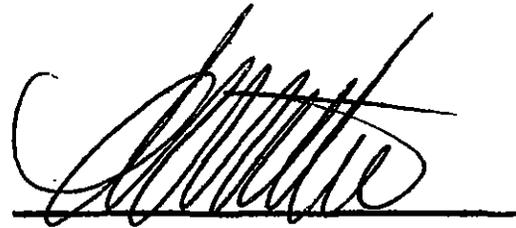
To: City Council

Subject: Sight Plan SPC-04-0022A Potter
Dentistry

We (I) the undersigned have reviewed the proposed site plan approved by the Austin Environmental Board and Austin City Zoning and Platting Commission for Site Plan SPC-0400022A Potter Dentistry and have no objections.

Thank you.

Signature:



Address:

8101 LONG CANYON DR.
AUSTIN, TEXAS
78730

12-31-2004

To: City Council

Subject: Sight Plan SPC-04-0022A Potter
Dentistry

We (I) the undersigned have reviewed the proposed site plan approved by the Austin Environmental Board and Austin City Zoning and Platting Commission for Site Plan SPC-040022A Potter Dentistry and have no objections.

Thank you.

Signature: Henry R. Scholtz
Address: 7000 R.R. 2227
AUSTIN, TX
78730

12-31-2004

To: City Council

Subject: Sight Plan SPC-04-0022A Potter
Dentistry

We (I) the undersigned have reviewed the proposed site plan approved by the Austin Environmental Board and Austin City Zoning and Platting Commission for Site Plan SPC-0400022A Potter Dentistry and have no objections.

Thank you.

Patricia H. Richardson
7913 R.R. 2222
Austin, Tx
78730

12-31-2004

To: City Council

Subject: Sight Plan SPC-04-0022A Potter
Dentistry

We (I) the undersigned have reviewed the proposed site plan approved by the Austin Environmental Board and Austin City Zoning and Platting Commission for Site Plan SPC-0400022A Potter Dentistry and have no objections.

Thank you.

Nancy and Tommy Cochran
8100 Ranchilda 2232
Austin Tx 78730

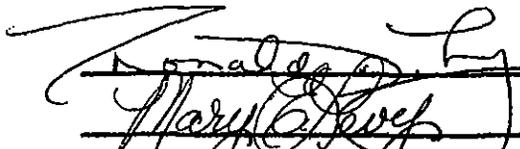
12-31-2004

To: City Council

Subject: Sight Plan SPC-04-0022A Potter
Dentistry

We (I) the undersigned have reviewed the proposed site plan approved by the Austin Environmental Board and Austin City Zoning and Platting Commission for Site Plan SPC-040022A Potter Dentistry and have no objections.

Thank you:



Mary Lopez

8016 Long Canyon Dr.

Austin, TX 78730

12-31-2004

To: City Council

Subject: Sight Plan SPC-04-0022A Potter
Dentistry

We (I) the undersigned have reviewed the proposed site plan approved by the Austin Environmental Board and Austin City Zoning and Platting Commission for Site Plan SPC-0400022A Potter Dentistry and have no objections.

Thank you.

Harold B. Doak, Jr.
Phyllis Doak
5904 Deep Spring Cove
Austin, TX 78730

x

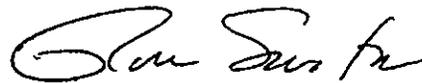
12-31-2004

To: City Council

Subject: Sight Plan SPC-04-0022A Potter
Dentistry

We (I) the undersigned have reviewed the proposed site plan approved by the Austin Environmental Board and Austin City Zoning and Platting Commission for Site Plan SPC-0400022A Potter Dentistry and have no objections.

Thank you.



8012 Long Canyon

Austin TX 78730

12-31-2004

To: City Council

Subject: Sight Plan SPC-04-0022A Potter
Dentistry

We (I) the undersigned have reviewed the proposed site plan approved by the Austin Environmental Board and Austin City Zoning and Platting Commission for Site Plan SPC-0400022A Potter Dentistry and have no objections.

Thank you.

Bert Williams
68162222
AUSTIN TX 78730

12-31-2004

To: City Council

Subject: Sight Plan SPC-04-0022A Potter
Dentistry

We (I) the undersigned have reviewed the proposed site plan approved by the Austin Environmental Board and Austin City Zoning and Platting Commission for Site Plan SPC-0400022A Potter Dentistry and have no objections.

Thank you.

Thomas Quinn
6900M 2222
AUSTIN TEXAS 78730

TOM TAYLOR

12-31-2004

To: City Council

Subject: Sight Plan SPC-04-0022A Potter
Dentistry

We (I) the undersigned have reviewed the proposed site plan approved by the Austin Environmental Board and Austin City Zoning and Platting Commission for Site Plan SPC-0400022A Potter Dentistry and have no objections.

Thank you.

Cathy J Baird

8408 Long Canyon Dr.

Daniel K. Baird

12-31-2004

To: City Council

Subject: Sight Plan SPC-04-0022A Potter
Dentistry

We (I) the undersigned have reviewed the proposed site plan approved by the Austin Environmental Board and Austin City Zoning and Platting Commission for Site Plan SPC-0400022A Potter Dentistry and have no objections.

Thank you.



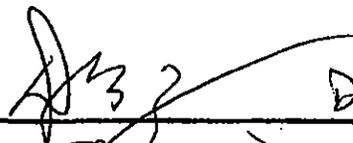
12-31-2004

To: City Council

Subject: Sight Plan SPC-04-0022A Potter
Dentistry

We (I) the undersigned have reviewed the proposed site plan approved by the Austin Environmental Board and Austin City Zoning and Platting Commission for Site Plan SPC-0400022A Potter Dentistry and have no objections.

Thank you.



Doug MacGregor
5801 Deep Slainy cv.

Austin, TX 78750

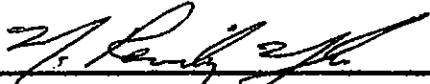
12-31-2004

To: City Council

Subject: Sight Plan SPC-04-0022A Potter
Dentistry

We (I) the undersigned have reviewed the proposed site plan approved by the Austin Environmental Board and Austin City Zoning and Platting Commission for Site Plan SPC-0400022A Potter Dentistry and have no objections.

Thank you.



5805 GARIBOLDI HOLLOW CV

AUSTIN, TX 78730

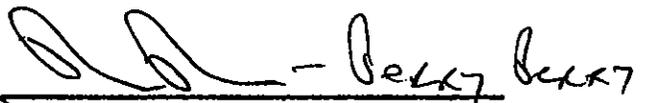
12-31-2004

To: City Council

Subject: Sight Plan SPC-04-0022A Potter
Dentistry

We (I) the undersigned have reviewed the proposed site plan approved by the Austin Environmental Board and Austin City Zoning and Platting Commission for Site Plan SPC-0400022A Potter Dentistry and have no objections.

Thank you.



1400 Long Canyon Dr.

Austin, TX

78730

12-31-2004

To: City Council

Subject: Sight Plan SPC-04-0022A Potter
Dentistry

We (I) the undersigned have reviewed the proposed site plan approved by the Austin Environmental Board and Austin City Zoning and Platting Commission for Site Plan SPC-0400022A Potter Dentistry and have no objections.

Thank you.

Bain Weinberger
Bain Weinberger
5903 Deep Spring Cove
(512) 342-1869

12-31-2004

To: City Council

Subject: Sight Plan SPC-04-0022A Potter
Dentistry

We (I) the undersigned have reviewed the proposed site plan approved by the Austin Environmental Board and Austin City Zoning and Platting Commission for Site Plan SPC-0400022A Potter Dentistry and have no objections.

Thank you.



8604 Long Canyon Dr.

Austin, Tx 78730

Site Plan Appeal and Letters of Opposition



City of Austin Watershed Protection and Development Review Department
505 Barton Springs Road / P.O. Box 1088 / Austin, Texas 78767-8835

SITE PLAN APPEAL

If you are an applicant and/or property owner or interested party, and you wish to appeal a decision on a site plan application, the following form must be completed and filed with the Director of Watershed Protection and Development Review Department, City of Austin, at the address shown above. The deadline to file an appeal is 14 days after the decision of the Planning Commission, or 20 days after an administrative decision by the Director. If you need assistance, please contact the assigned City contact at (512) 974-2680.

CASE NO. SPC 04-0022A

DATE APPEAL FILED December 20, 2004

PROJECT NAME Potter Dentistry

YOUR NAME E. B. King

SIGNATURE

PROJECT ADDRESS FM 2222 North of Bell

Mountain DR



APPLICANT'S NAME Tom Beard/James Potter

CITY CONTACT Sue Welch

YOUR ADDRESS 6305 Fern Spring Cove

Austin, TX 78730

YOUR PHONE NO. (512) 344-4537 **WORK**

(512) 346-4538 **HOME**

INTERESTED PARTY STATUS: Indicate how you qualify as an interested party who may file an appeal by the following criteria: (Check one)

- I am the record property owner of the subject property
- I am the applicant or agent representing the applicant
- I communicated my interest by speaking at the Planning Commission public hearing on (date) 12/07/04.
- I communicated my interest in writing to the Director or Planning Commission prior to the decision (attach copy of dated correspondence).

In addition to the above criteria, I qualify as an interested party by one of the following criteria: (Check one)

- I occupy as my primary residence a dwelling located within 500 feet of the subject site.
- I am the record owner of property within 500 feet of the subject site.
- I am an officer of a neighborhood or environmental organization whose declared boundaries are within 500 feet of the subject site.

DECISION TO BE APPEALED*: (Check one)

- | | |
|---|-----------------------------------|
| <input type="checkbox"/> Administrative Disapproval/Interpretation of a Site Plan | Date of Decision: _____ |
| <input type="checkbox"/> Replacement site plan | Date of Decision: _____ |
| <input type="checkbox"/> <u>Planning Commission Approval/Disapproval of a Site Plan</u> | <u>Date of Decision: 12/07/04</u> |
| <input type="checkbox"/> Waiver or Extension | Date of Decision: _____ |
| <input type="checkbox"/> Planned Unit Development (PUD) Revision | Date of Decision: _____ |
| <input type="checkbox"/> Other: _____ | Date of Decision: _____ |

*Administrative Approval/Disapproval of a Site Plan may only be appealed by the Applicant.

STATEMENT: Please provide a statement specifying the reason(s) you believe the decision under appeal does not comply with applicable requirements of the Land Development Code:

See attached letter.

(Attach additional page if necessary.)

Applicable Code Section: _____

December 21, 2004

City of Austin
Director of Watershed Protection & Development Review Department
505 Barton Springs Road
P.O. Box 1088
Austin, TX 78767-8835

I writing to request the appeal by the City Council on the decision made on Potter Dentistry - Site Plan Variance Case SPC-04-0022A 7901 FM2222 Tom Beard, by the Zoning and Planning Commission on December 7, 2004. This case requested and received approval on a waiver and variances as listed below.

1. Reduced Hill Country Roadway Vegetative Buffer to 50 ft vs. required 100 ft.
Commission approved this request for waiver.
2. Construction on slopes greater than 11 percent.
Commission approved this request for variance.
3. Exceeding impervious cover limit in the Water Quality Transition Zone- 26% vs. 18% required.
Commission approved this request for variance.

The reasoning for the approvals was that making the developers adhere to the 100' from ROW setback would cause them to cut more mature trees, excavate more on steeper slopes and build closer to the neighborhood. This may be true, *given the developers' existing set of plans*. But, there are other major issues to stake here—issues that will set a precedent, for the worse of future development in the RR2222 corridor.

This scenic Hill Country road is widely regarded as one of the true gems in Austin's environmental crown, one of the things that makes our city so special and such a desirable place to live. The 100' setbacks mandated by the Hill Country Roadway Ordinance (is this the correct name?) are meant to help preserve the beauty and appeal of the country adjacent to highways in this magnificent landscape. And, of significant importance is the environment. The rules regulating impervious cover and building on slopes serve to protect both the landscape and the very water we drink. The Bull Creek watershed is well known as an environmentally sensitive area, and one that deserves protection.

Much of the land adjacent to RR2222 is quite similar to the tract in question. We respectfully submit that granting these variances will set a precedent for other developers faced with similar situations, who will want a similarly painless (to them, not to the community as a whole) relaxing of the rules. This is a sure path to a RR2222 that looks more like Hwy 183 than anything envisioned in the Hill Country Roadway Corridor Ordinance (HCRC).

We maintain that a better solution for our community is to require developers to build their projects within the existing guidelines. If they cannot, then require them to alter their plans. This is the sort of precedent that our neighborhoods expect to see. You just made a significant and courageous decision on the Champion tract, and in that spirit we ask that you disallow these variances as approved by the Zoning and Planning Commission. We are supported in this request by the River Place HOA and by the RR2222 CONA.

Note also that we have common/identical interests with the other parts of our neighborhood as previously represented to you by this same letter from Joe Konopka, President of LCHOA, Phase 2-3. Together, our community contains approximately 350 home and lot owners.

Respectfully yours,

A handwritten signature in black ink that reads "E. B. King". The signature is written in a cursive style with a large, stylized "K" and a long, sweeping underline.

E. B. King
President, Long Canyon Phase I Home Owners Association
6305 Fern Spring Cove
Austin TX 78730

512-346-4537
email: Kingsace2@aol.com



City of Austin Watershed Protection and Development Review Department
505 Barton Springs Road / P.O. Box 1088 / Austin, Texas 78767-8835

SITE PLAN APPEAL

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<p>CASE NO. SPC 04-0022A</p> <p>PROJECT NAME Potter Dentistry</p> <p>PROJECT ADDRESS FM 2222 North of Bell Mountain DR</p> <p>APPLICANT'S NAME Tom Beard/James Potter</p> <p>CITY CONTACT Sue Welch</p>	<p>DATE APPEAL FILED December 20, 2004</p> <p>YOUR NAME Joseph J. Konopka</p> <p>SIGNATURE <u><i>Joseph J. Konopka</i></u></p> <p>YOUR ADDRESS 5608 Standing Rock Drive Austin, TX 78730</p> <p>YOUR PHONE NO. (512) 345-9298 ___ WORK (512) 345-9298 ___ HOME</p>
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INTERESTED PARTY STATUS: Indicate how you qualify as an interested party who may file an appeal by the following criteria: (Check one)

- I am the record property owner of the subject property
- I am the applicant or agent representing the applicant
- I communicated my interest by speaking at the Planning Commission public hearing on (date) 12/07/04.
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- | | |
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| <input type="checkbox"/> Administrative Disapproval/Interpretation of a Site Plan | Date of Decision: _____ |
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STATEMENT: Please provide a statement specifying the reason(s) you believe the decision under appeal does not comply with applicable requirements of the Land Development Code:

See attached letter.

(Attach additional page if necessary.)

Applicable Code Section: _____

Dear Council:

I writing to request the appeal by the City Council on the decision made on Potter Dentistry - Site Plan Variance Case SPC-04-0022A 7901 FM2222 Tom Beard, by the Zoning and Planning Commission on December 7, 2004. This case requested and received approval on a waiver and variances as listed below.

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Commission approved this request for variance.

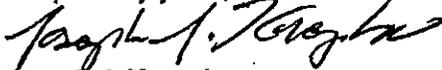
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This scenic Hill Country road is widely regarded as one of the true gems in Austin's environmental crown, one of the things that makes our city so special and such a desirable place to live. The 100' setbacks mandated by the Hill Country Roadway Ordinance (is this the correct name?) are meant to help preserve the beauty and appeal of the country adjacent to highways in this magnificent landscape. And, of significant importance is the environment. The rules regulating impervious cover and building on slopes serve to protect both the landscape and the very water we drink. The Bull Creek watershed is well known as an environmentally sensitive area, and one that deserves protection.

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We maintain that a better solution for our community is to require developers to build their projects within the existing guidelines. If they cannot, then require them to alter their plans. This is the sort of precedent that our neighborhoods expect to see. You just made a significant and courageous decision on the Champion tract, and in that spirit we ask that you disallow these variances as approved by the Zoning and Planning Commission. We are supported in this request by the River Place HOA and by the RR2222 CONA.

Respectfully yours,



Joseph J. Konopka
President, Long Canyon Phase II/II Home Owners Association
5608 Standing Rock Drive
Austin TX 78730

512-345-9298
JoeKono@AOL.com

Welch, Sue

From: Joekono@aol.com

Sent: Sunday, December 05, 2004 10:24 AM

To: Welch, Sue

Subject: Potter Dentistry (Case # SPC-040002A) Application Request For Waivers

Sue,

As President of the Long Canyon Phase II/III Homeowners Association, I respectfully request that all requests for waivers by Potter Dentistry for construction on property on 2222 be denied.

Approval of the requests has the potential for environmental impact, will have a negative effect on the safety and quality of life to our community and surrounding communities, and poses limitations on future highway construction and safety.

Joe Konopka

512-345-9298

12/6/2004

Welch, Sue

From: Charles Farmer [Charles.Farmer@Sun.COM]
Sent: Friday, July 16, 2004 10:47 AM
To: Welch, Sue
Cc: berkelaus; vmboucher; Deborah_Denning; vince.diloreto; kgerardi; gwsedlock; wtobias; rwatson; efarmer; jimstone@t1loans.com; rhondasmorris; rhondasmorris; David.Robinson; cgriffith2; khanna1; mreed11; vwatts; megrezr; charles.farmer; riverplacehomes@juno.com
Subject: Tom Beard/Potter case SPC-04-0022A

Sue -

This email is intended to communicate the opposition of the elected board of the River Place Residential Community Association to the request for variance to the Hill Country Roadway 100 foot buffer in the Tom Beard/Potter case (SPC-04-0022A). We believe the reasoning behind this ordinance applies to this section of 2222 for good reasons and have not been persuaded by the applicants arguments as to why they should be granted a variance. We also believe enforcement of this ordinance in the future will be made more difficult if it is weakened by granting variances without the applicant showing a significant hardship (which they have not done in this case). We would appreciate the Watershed Protection and Development Review Department's staff recommendation against granting this variance.

Sincerely,
Charles Farmer
River Place Residential Community Association Zoning Committee

CC: R.P.R.C.A. Elected Board, R.P.R.C.A. Zoning Committee Members

Welch, Sue

From: Skip Cameron [scameron@austin.rr.com]
Sent: Thursday, July 08, 2004 10:29 PM
To: Welch, Sue
Subject: SPC-04-0022A HCR SETBACK VARIANCE REQUEST

We see no valid reason to grant a variance from the HCR setback rules.
Please convey our opposition.

Skip Cameron, President
Bull Creek Foundation
8711 Bluegrass Drive
Austin, TX 78759-7801
(512) 794-0531

--
for more information www.bullcreek.net

Welch, Sue

From: Karen Langdon [ksl@austin.rr.com]
Sent: Sunday, December 05, 2004 11:30 AM
To: Welch, Sue
Subject: Long Canyon considerations

Dear Ms. Welch,

As a long time resident of Long Canyon I would like to strongly urge that developers of the site next to Long Canyon not be granted a variance from restrictions that are presently in place - that they have to abide by the 100" vegetative buffer so that there is not substantial loss of trees and buffer from the road. Highway 2222, once a beautiful roadway as entrance into the Hill Country and something that Austin could be proud, is slowly losing its beauty as more development comes in. In addition, I also strongly object to any plan to make a curb cut into Bell Mountain Drive from any further office building loading up our entrance. We already have trouble from the existing offices to the right of Long Canyon adding vehicles to the exit and parking at the entrance. Please do all that you can to protect the beauty of this area.

Thank you for your consideration of this matter.

Sincerely,

Karen Langdon
9304 Bell Mountain Drive
Austin, Texas 78730

Welch, Sue

From: Lory R. Johnson, MAI [ljohnson@atriumrealestate.com]
Sent: Sunday, December 05, 2004 10:55 AM
To: Welch, Sue
Subject: Case #SPC-04-0022A Potter=s Dentistry

Hi Sue,

I am against all of the variances requested (to reduce the Hill Country Ordinance buffer, to exceed impervious coverage requirements, and to construct on slopes) for this development. I received a notice as I am within the proximity to the proposed development.

I am also very against the project being designed in such a fashion that would enable the developer to obtain a curb cut to the adjacent property to allow the proposed development to use Bell Mountain as a access/exit point for a commercial development which is not within the subdivision. This would be dangerous and not within the neighborhoods best interest.

I will not be able to attend the Zoning & Platting Commission meeting. Can you please provide me the outcome of the meeting?

Lory Johnson
Long Canyon Resident

Lory R. Johnson, MAI

Atrium Real Estate Services - 2305 Hancock Dr, Austin, TX 78756
(512) 453-7407 fax: (512) 453-1606 ljohnson@atriumrealestate.com

12/6/2004

Welch, Sue

From: Bob Kirkpatrick [bobkirk13@austin.rr.com]

Sent: Sunday, December 05, 2004 11:32 AM

To: Welch, Sue

Subject: Case# SPC-04-0022A

As a long time resident of Long Canyon, I would like to express my concern and objections to granting any variances relative to subject case.

Long Canyon is a residential neighborhood, not a business park.

Thank you for your consideration to this issue.

12/6/2004

Welch, Sue

From: Gerry Hackett [gerry_hackett@yahoo.com]
Sent: Sunday, December 05, 2004 2:24 PM
To: Welch, Sue
Subject: Case #SPC-04-0022A

Ms. Welch:

My husband and I are strongly opposed to the variances being requested in this case. We object to the environmental impact of the variances in our sensitive ecology.

Not listed as a requested variance but still included on the proposed site plan is the design of a curb cut from this parcel into the office project (two-story office building) located next door. This would allow the tenants to cut thorough the adjacent site and load Bell Mountain with additonal unnecessary traffic. It was requested by some Long Canyon residents at a few meetings that this design be removed. The developer agreed, however, it remains on the site plan proposed.

If left in place, this design could be used in the future to enhance this proposed office development at the extreme inconvenience of the Long Canyon residents who would have to wait while the traffice backed up on Bell Mountain. This increased traffic was not considered when the entrance to Long Canyon was designed, and overloading the entrance, particularly with traffic that will need to turn left to exit, will pose traffic safety risks to residents.

Please reflect our strong opposition when you summarize the reaction of neighbors.

Thank you.

Gerry Hackett
Geoff Blandy

9412 Bell Mountain Drive
Austin, Tx 78730

Welch, Sue

From: Carmen Adams-Schulz [cadams.schulz@earthlink.net]
Sent: Sunday, December 05, 2004 2:56 PM
To: Welch, Sue
Subject: Opposition to Proposed Long Canyon Construction

Dear Ms. Welch,

I appreciate your willingness to hear from the residents of Long Canyon regarding the proposed construction at 2222 and Bell Mountain Drive. The matter of preserving the character and quality of our neighborhood in which we live is very important to many of us in this community. Please allow me to clearly state our views below.

We strongly oppose the granting of variances to ordinances that have been in existence to protect the Long Canyon neighborhood, as doing so will adversely impact us where we live and raise our children. We do not welcome the addition of business traffic onto Bell Mountain Drive, and this intersection is already extremely overcrowded both in morning and evening rush hours because of 2222 congestion. The violation of the 100' setback matters a great deal to the aesthetic charm that is part of what makes Long Canyon so special for us. Furthermore, we can find no valid rationale for variances from the watershed protections that are in place. The violation of these ordinances adds even greater risk of repeat violations, which is completely unacceptable.

I am sure that you value the input of those of us who are homeowners, neighbors -- and taxpayers -- and will fight to help the City of Austin honor it's obligations on our behalf. Thank you in advance for your support of the Long Canyon community.

Regards,

Steven E. and Carmen L. Schulz
9100 Bell Mountain Drive
Long Canyon

email: cadams.schulz@earthlink.net, steve.schulz@earthlink.net

Welch, Sue

From: John Langdon [jlangdon@outer.net]
Sent: Sunday, December 05, 2004 3:24 PM
To: Welch, Sue
Subject: Strongly opposed to variances for Case #SPC-04-0022A.

I am a Long Canyon resident and want to register my strong opposition to the proposed variances. Specifically:

1) A waiver on the 100' required Hill Country Ordinance Vegetative Buffer set back. THIS WOULD BE A SAFETY DISASTER! This would impede and reduce visibility on an already dangerous portion of an already busy highway, especially given the long curve near this property that is often approached by vehicles at high speeds. We have already had fatal wrecks in this area, and if this variance is approved, the city should INCREASE THE STAR FLIGHT OPERATIONS BUDGET for a few more trips to this area. The visual and neighborhood character issues are in addition to all this - I think we have to keep a "semi-rural" flavor to keep the trip to Lake Travis appealing and commercially viable. This must not be allowed for any future projects - I would like to see the staff notify developers to not even propose this in the future.

2) Construction on slopes. I also oppose this. I have walked this site, and there is plenty of space for construction without climbing up them, unless they are pushing the impervious cover requirement, which is very unwise in this sensitive watershed near a major road. The applicant simply wants to reduce his excavation budget at the expense of the community.

3) What a surprise! I am strongly opposed to any violation of the impervious cover in this area. We are laying the groundwork (pun intended) for California style landslides if we do this, especially in a Water Quality Transition Zone. This requested variance would allow more coverage of the land which is protected due to its location in an environmentally sensitive area. Once again, the proposed variance is a very bad choice just to reduce construction expenses.

4) The applicant had previously agreed, after discussion with neighborhood groups, to eliminate the curb cut to the existing building next door at the corner of 2222 ands Bell Mountain, but it still appears on the submitted plan. This would dangerously link together two large areas of impervious cover into one big drainage channel, which is bad engineering and poor safety planning. I hope this is just an oversight, and that the applicant is not dealing in bad faith with the neighborhoods. I think we should allow the applicant 90 days to resubmit these plans so they can search for any other oversights.

Thank you for your time and study of this issue, Sue. If you need any other input or data feel free to contact me. I think the developer's economic returns can be well secured with putting the safety of the neighborhoods and 2222 motorist in peril. I strongly ask that these variances be denied.

John Langdon
jlangdon@outer.net
9304 Bell Mountain Dr
Austin, TX 78730

Welch, Sue

From: Kenwickham [kenwickham@austin.rr.com]
Sent: Sunday, December 05, 2004 4:05 PM
To: Welch, Sue
Subject: Citizen Input Case #SPC-04-0022A

Dear Ms. Welch,

My wife & I are residents of Long Canyon residing at 9405 Bell Mountain, Dr., Austin, TX 78730. I apologize for the lateness of this communication relative to the hearing, but we were just made aware of the hearing date.

We are opposed to the developer's plans as submitted:

- 1) The requested waiver of the 100' required Hill Country Ordinance Vegetative Buffer set back from 2222 would greatly diminish the neighborhood's shield from 2222. As future widening and roadway development of 2222 is planned, the end result would be even more noise and pollution in the future. If granted, this waiver would lower our quality of life, and irreversibly alter our neighborhood's "character." Ordinances are adopted for good reasons; we ask that they be enforced in this instance.
- 2) The developer is seeking construction on slopes which would not be allowed without a variance. We are opposed to this on the same grounds as above. Ordinances are adopted for good reasons; we ask that they be enforced in this instance.
- 3) The developer is seeking a variance to exceed allowable impervious coverage in the Water Quality Transition Zone. This requested variance would allow more coverage of the land which is protected due to its location in an environmentally sensitive area. We are opposed to this on the same grounds as above. Ordinances are adopted for good reasons; we ask that they be enforced in this instance.
- 4) Not listed as a requested variance but still included on the proposed site plan is the design of a curb cut from this parcel into the office project (two-story office building) located next door. This would allow the tenants (as some of the development will ultimately be leased space), clients, doctors, nurses, assistants, patients (one proposed use is dentist office), etc. to cut thorough the adjacent site (two-story office building) and load Bell Mountain with additional unnecessary traffic. Bell Mountain was not designed for this traffic load and would be a safety issue. In negotiations with the developer, he agreed to remove this "shortcut." Although the developer agreed, it currently remains on the site plan. Please see that the site plan is updated to reflect our agreement.

We are requesting that you thoughtfully consider this case and assist our neighborhood from being exploited by this overly aggressive development.

Thank you,
Kenneth & Beverly Wickham

12/6/2004

Welch, Sue

From: Jane Manchester [jemanchester@austin.rr.com]
Sent: Sunday, December 05, 2004 11:42 PM
To: Welch, Sue
Subject: Case # SPC-04-0022A

As residents of Long Canyon adjacent to this proposed development, we are stating our concern regarding the requested variances. The variances requested, especially the set back and the impervious cover, are at odds with the nature of the Long Canyon neighborhood. We are also concerned about the added traffic into and out of Long Canyon if access is granted through Bell Mountain.

Sincerely,
David Ng
Jane Manchester

12/6/2004

Weich, Sue

From: Scott Norwood [scott@scottnorwood.com]
Sent: Monday, December 06, 2004 3:44 PM
To: Welch, Sue
Subject: Citizen Input Case #SPC-04-0022A

Dear Ms. Welch,

My wife and I are residents of Long Canyon and I am a Long Canyon Phase II Board Member. We are strongly opposed to the developer's plans and proposed variances which I understand are to be addressed tomorrow in the above referenced hearing.

- 1) The requested waiver of the 100' required Hill Country Ordinance Vegetative Buffer set back from 2222 would greatly diminish the neighborhood's shield from 2222. As future widening and roadway development of 2222 is planned, the end result would be even more noise and pollution in the future. If granted, this waiver would lower our quality of life, and irreversibly alter our neighborhood's "character." Ordinances are adopted for good reasons; we ask that they be enforced in this instance.
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We are requesting that you thoughtfully consider this case and assist our neighborhood from being exploited by this overly aggressive development.

Thank you,

Scott & Nancy Norwood
9408 Bell Mountain Drive
Austin, TX 78730
342-8206

12/6/2004

Welch, Sue

From: Mark F. Sandorf [msandorf1@austin.rr.com]
Sent: Monday, December 06, 2004 10:51 AM
To: Welch, Sue

We are residents of the Long Canyon development. Everything requested sounds good to us. We are in favor of the variances being granted to the developer. Thank you.

Mark Sandorf
 6500 Alaskan Cove
 343-6338

----- Original Message -----

From: LongCanyon Neighbor

To: NNORWOOD@austin.rr.com ; mrmeeks@hotmail.com ; sbaier@austin.rr.com ; ssandorf@austin.rr.com ; glassrose@aol.com ; kenwickham@austin.rr.com ; gerry_hackett@yahoo.com ; cborskey@austin.rr.com ; jwilson1@austin.rr.com ; mjdisorbo@aol.com

Sent: Sunday, December 05, 2004 12:42 AM

Subject: 2222 Development Impacting Long Canyon REQUIRES IMMEDIATE ATTENTION

Please find attached documents obtained from the City of Austin regarding the office development which is proposed to be constructed immediately adjacent to the existing two story office building which is located at the entrance to Long Canyon. The following summarizes the attachments.

IMPORTANT NOTICE: THE APPLICATION REFERENCED HEREIN IS SCHEDULED TO BE HEARD BY THE ZONING & PLATTING COMMISSION ON DECEMBER 7, 2004. YOUR INPUT IS NEEDED PRIOR TO THAT HEARING.

The site plan proposes three office buildings. The developers of that site are requesting major site plan variances from the city including:

- 1) A waiver on the 100' required Hill Country Ordinance Vegetative

Buffer set back from 2222, that has been in place since 1986. The waver for the proposed development will allow the improvements to be constructed closer to 2222 which would result in a substantial loss of trees and buffer area along the roadway. An e-mail from a Long Canyon Board member dated June 2004 notes that the Long Canyon Boards are against this buffer reduction; however, information from the city notes that minimal input has been made from the neighborhood.

2) Construction on slopes which would not be allowed without a variance.

3) To exceed allowable impervious coverage in the Water Quality Transition Zone. This requested variance would allow more coverage of the land which is protected due to its location in an environmentally sensitive area.

Not listed as a requested variance but still included on the proposed site plan is the design of a curb cut from this parcel into the office project (two-story office building) located next door. This would allow the tenants (as some of the development will ultimately be leased space), clients, doctors, nurses, assistants, patients (one proposed use is dentist office), etc. to cut thorough the adjacent site (two-story office building) and load Bell Mountain with additional unnecessary traffic. It was requested by some Long Canyon residents at a few meetings that this design be removed. The developer agreed, however, it remains on the site plan proposed. If left in place, this design could be used in the future to enhance this proposed office development at the extreme inconvenience of the Long Canyon residents who would have to wait while the traffice backed up on Bell Mountain.

Although not located within the Long Canyon boundaries, Long Canyon resident's input to the City of Austin will greatly impact the city's determination of appropriate development. Please consider contacting the case manager at the City of Austin, Sue Welch of the Watershed

Protection and the Development Review Department immediately. She needs all input before the meeting at 6PM on Tuesday, December 7, 2004. She would like to hear from each of you. Our input as the adjacent subdivision is important to her. As minimal information has been provided to the neighborhood (this is the responsibility of the Long Canyon boards), the city has had minimal input from our neighborhood.

If opposed to the above requested variances, send Sue Welch an-email stating that you are opposed to the requested variances for the site plan proposed Case #SPC-04-0022A. Noting the opposition to the proposed curb cut draw in the site plan is also important. Additional information with lots of city feedback is in the attached documents.

Her e-mail is Sue.Welch@ci.austin.tx.us

Her telephone # is: 974-3294

As noted in the information provided by the City of Austin: This information is on-line. Refer to the Case # SPC-04-0022A. The web site is: www.ci.austin.tx.us/gis/reviewcases/rcase_table_search.cfm

Do you Yahoo!?

Yahoo! Mail - You care about security. So do we.

Welch, Sue

From: Stobaugh, Dale [Dale.Stobaugh@txdps.state.tx.us]
Sent: Tuesday, December 07, 2004 7:44 AM
To: Welch, Sue
Subject: 2222 Development Impacting Long Canyon - Case #SPC-04-0022A

Ms. Welch,

I am adamantly opposed to variances for the site plan proposed in Case #SPC-04-0022A. I am also opposed to the proposed curb cut draw in the site plan.

Thank you,

Dale Stobaugh
8500 Long Canyon Drive
Austin, Texas 78739
512.345.6555
dbstobaugh@aol.com

12/7/2004

Welch, Sue

From: GClaeys@flowsolutions.com
Sent: Tuesday, December 07, 2004 8:35 AM
To: Welch, Sue
Subject: Long Canyon Case #SPC-04-0022A

Sue,

We are residents of Long Canyon, 8808 Bell Mountain and have learned that the above case is scheduled for a hearing today. Our Neighborhood Home Owners Association expressed opposition to the requested variances, but have advised we would be well served to express individually our opposition to both the construction and the requested variances.

Over the past 10 years the development along 2222 has been disappointing. Our neighborhood in particular is larger lot size that spills into reality where Bell Mountain meets 2222. The proposed project only compounds the neighborhood traffic issue with more commercial travel. Access should not be through a neighborhood. The 100' variance is by design and should not be waived. The signs say it is an environmentally sensitive area also.

Sue, I hope you receive a lot of input against this project, I know I share a common feeling among the residents of Long Canyon.

Greg Claeys
Flow Solutions, Inc
8802 Shoal Creek
Austin, Texas 78757
office 512-374-9166
cell 512-750-1491

Welch, Sue

From: Jeff Ligarde [Jeff_Ligarde@msn.com]
Sent: Tuesday, December 07, 2004 10:03 AM
To: Welch, Sue
Subject: Re: Case # SPC-04-0022A

Ms. Welch,

I am a homeowner in Long Canyon on 2222 (8706 Bell Mountain Drive) and am writing you in opposition to the proposed variances for development at 7901 FM2222.

While development along 2222 is certainly inevitable, the quality of that development is still within our control. The main reason people chose to live in this area of Austin is for the natural environment and scenic drives. Let's not allow developers to cast aside city ordinances that were put in place to help maintain these.

Thank you,

Jeff Ligarde
8706 Bell Mountain Drive
Austin, Texas 78730

12/7/2004

Welch, Sue

From: Tim Costello [TCostello@builderhomesite.com]
Sent: Tuesday, December 07, 2004 11:01 AM
To: Welch, Sue
Subject: Re: Site Plan Variance Case SPC-04-0022A 7901 FM 2222 Tom Beard

As a resident of Long Canyon, I oppose any variance for the above mentioned property. I understand that this property will be discussed today. Unfortunately I will not be able to attend your session. But I wanted to make sure that my voice, as well as many others, is heard on this issue as well as so many others like it. I know you recognize the scenic beauty of the 2222 corridor and the importance of watershed protection, so I will assume that you will act in the best interest of the greater Austin community on these issues. The only additional thought I would like to emphasize is that many of these land owners buy the land knowing exactly what the development rules are. Then they come back seeking variances based on economic considerations. If the land with its current restrictions was not economical to develop the way they propose they shouldn't have bought the land or they should have paid less for it!. This is a game used by the land owner to vastly increase the value of the land they just bought. It is not right to use government agencies in that way, or to interfere with free market forces in a behind the scenes manner. Changing the rule amounts to a lottery with limited access funded by the losses of the greater community. This amounts to economic discrimination and it is being perpetrated on a vast scale. Please consider these thought today and in the future as I am sure there is a never ending supply of greedy landowners. Thank you for your consideration. Please feel free to contact me directly if you have any questions regarding this issue.

Tim Costello
Chairman & Chief Executive
Builder Homesite Inc.
"Home to the Building Industry"

5300 Riata Park Court
Building A, Suite 100
Austin, Texas 78727-6430
(512) 651-8802 office
(512) 651-8851 fax

12/7/2004

Welch, Sue

From: albecker [albecker@onr.com]
Sent: Tuesday, December 07, 2004 1:19 PM
To: Welch, Sue
Subject: Site Plan Variance Case SPC-04-0022A 7901 FM 2222

Dear Ms. Welch:

I am writing to OPPOSE the Site Plan Variance requested for 7901 FM 2222.

There is no compelling reason to permit variances this close to West Bull Creek and along a Scenic Hill Country Roadway. The applicant is asking for much more on his site than the topography, the Water Quality Transition Zone and the Scenic Hill Country Roadway Ordinance allow. He needs to downsize his expectations and comply.

I especially oppose increasing the amount of impervious cover allowed, and oppose construction on slopes greater than 11 percent. West Bull Creek is part of Austin's drinking water supply. We must protect it.

Please do not allow these variances.

Yours truly,

Lisette Schmidt

Glenlake (off City Park Road)

2222 Coalition of Neighborhood Associations

Welch, Sue

From: BMeredith1@aol.com
Sent: Tuesday, December 07, 2004 3:59 PM
To: bbaker@austintexas.org; apsinc@bga.com; jmvcortez@hotmail.com; jdonisi@austin.rr.com; jay@jaygohilrealty.com; chammond1@austin.rr.com; Pinnelli@flash.net; kbjackson@pbsj.com; josephmartinez@yahoo.com
Cc: Welch, Sue
Subject: Site Plan Variance Case SPC-04-0022A for 7901 FM 2222

Dear Zoning and Platting Commission Members:

My name is Bill Meredith and I am a director of Courtyard Homeowners Association. Our 300 home community is located in the SE quadrant of 2222/360 between FM 2222, the Colorado River (Lake Austin) and Bull Creek. I am our association's liaison for zoning issues in the area and I am also our Board's representative to the 2222 Coalition of Neighborhood Associations (2222 CONA).

I urge you to vote no as I see no reason to grant the requested waiver and variances listed below:

1. Waiver: The applicant is requesting a waiver from 25-2-1023 Hill Country Roadway buffer, from 100 ft. to 50 ft.
2. Variance #1: LDC 25-8-301 & 302: To allow Construction on Slopes;
3. Variance #2: LDC 25-8-423: To exceed allowable impervious cover in the Water Quality Transition Zone (may not exceed 18% in WQTZ; applicant is proposing 27%).

The applicant is asking for much more on this site than the topography, the WQTZ and the Scenic Hill Country Roadway Ordinance allow.

There is no compelling reason to permit variances this close to West Bull Creek and along a Scenic Hill Country Roadway.

Respectfully submitted,

Bill Meredith
5905 Inter Council Cove, Austin, Texas 78731-6531
Phone & Voice Mail: 512-345-0593

12/7/2004

Welch, Sue

From: Ksgard2@aol.com
Sent: Monday, December 20, 2004 7:00 PM
To: Welch, Sue
Cc: ACostello@builderhomesite.com
Subject: Re the additional office building development at Long Canyon

Dear Ms Welch,

I am sorry to contact you so late but I have been out of town most of the time.

Besides protection of the watershed, the additional concern I have has to do with the property values of Long Canyon. I moved here at the peak of the market, summer of 2001. Since then, due to the drop in the high tech economy, we have seen a drop in real estate values and only recently starting to stabilize and slowly moving up again. However, with the additional office construction at the entrance to this community (of Long Canyon), I feel this will have a negative impact on our home values. I know that I would never have considered buying a home in this neighborhood with commercial properties dominating the entrance to the community. What is there currently is hardly noticeable. And if they are going to build these monuments at the entrance to our street, do you think Travis County and Williamson County are going to reduce the property values to reflect what will happen? What ever will be built needs to preserve and enhance the values of the residential real estate and not send it in a downward spiral again.

Linda Gard

12/21/2004

**CITY ZONING AND PLATTING
COMMISSION
December 7, 2004 [ANNOTATED]
One Texas Center
505 Barton Springs Road
Conference Room 325**

CALL TO ORDER – 6:00 P.M.

COMMENCED: 6:10 P.M.

ADJOURNED: 8:45 P.M.

____ Betty Baker - Chair
____ John Philip Donisi
____ Jay Gohil
__*__ Clarke Hammond – Secretary

____ Melissa Whaley Hawthorne- Assist. Sec.
____ Keith Jackson - Parliamentarian
____ Joseph Martinez – Vice-Chair
____ Janis Pinnelli
____ Teresa Rabago

* Ineligible to vote

CONDUCT OF PUBLIC HEARINGS

1. Chair announces request.
2. Staff presents a summary of the case.
3. Chair calls on those FAVORING the request.
4. Applicant's presentation (5 minutes).
5. Others favoring the request (3 minutes).
6. Chair calls on those OPPOSING the request.
7. Primary presentation (5 minutes).
8. Others opposing the request (3 minutes).
9. Applicant is given opportunity to answer objections stated. (3 minutes)
10. Staff summation and questions from the Commission.
11. The public hearing on a zoning case may be closed and no further testimony is taken from the public.
12. If the public hearing is closed, the Commission shall make a recommendation to the City Council within 14 days or the case will be forwarded to the City Council without a recommendation. (Section 25-2-282).

All of the following items may be acted upon by one motion. The Commission does not consider items earlier than the time stated on the agenda; "Other Business" items can be taken at any time. After the posted time, the Commission Chairperson may announce the item and, if there is no opposition, the item may be taken "by consent" for approval without discussion.

CITIZENS WISHING TO SPEAK BEFORE THE COMMISSION MUST REGISTER BY SIGNING A LIST AT THE ENTRANCE (RED BOOK).

Any interested party aggrieved by a decision of the Zoning & Platting Commission on a Hill Country Site Plan, Conditional Use Permit, Replacement Site Plan, or a Preliminary Subdivision Plan with an environmental variance may only appeal the Commission's decision to the City Council. The notice of appeal must be submitted in writing on a form provided by the Director of Neighborhood Planning & Zoning Department within fourteen (14) days following the decision of the Zoning & Platting Commission.

Facilitator: Don Perryman

The Commission may recommend additional future land use designations that have not been requested or future land use designations that are more or less intensive than the requested future land use. The Commission may also recommend zoning that includes combining districts such as mixed use, conditional overlays, or other combining districts.

AGENDA POSTING & POSTPONEMENT POLICIES

AGENDA POSTING POLICY

Normally when placing an item on a future agenda, commissioners should inform the chair prior to a meeting and announce the item under Items from Commission at the end of the agenda.

If the topic is of a sensitive nature or may be considered outside the scope of the Commission's charge, then the chair may request that it be presented to the Executive Committee for consideration prior to being placed on the agenda.

- An item that arises during the conduct of a meeting may be announced during the pertinent discussion or at the end of the meeting.
- If no objection is raised to the posting of an item, a vote and a second on the posting will not be required.
- If a disagreement arises on the posting of an item, the Commission will act upon the posting by a motion and vote.

POSTPONEMENT POLICY

- All postponement requests from the public normally should be made in writing by 10:00 a.m. the Monday before the Zoning & Platting Commission meeting. The request should be submitted to the case manager. The date and time should be noted on the letter to staff, in addition the reason for postponement and the requested postponement date.
- The party requesting the postponement should attend the Zoning & Platting Commission meeting, in case of a discussion postponement.
- The Zoning & Platting Commission will normally grant, upon voting, a first request notified as described above for postponement by an applicant or neighborhood association.
- Second and/or subsequent request for postponement, depending on the reasons, may or may not be granted by the Zoning & Platting Commission. The commission must, however, vote on the request.
- Individual commissioners may request postponements to be voted on by the full commission.

CORRESPONDENCE WITH THE ZONING & PLATTING COMMISSION

E-mail: E-mail addresses for individual Commissioner's are available on the last page of this agenda.

Mail: Neighborhood Planning & Zoning Department
Attn: Zoning & Platting Commission Liaison
P.O. Box 1088, Austin TX, 78767

Fax: Fax: (512) 974-1860

MORE INFORMATION

Facilitator: Don Perryman

For further information, please contact Dora Anguiano, Neighborhood Planning & Zoning Department at 974-2104 or dora.anguiano@ci.austin.tx.us.

A. REGULAR AGENDA

EXECUTIVE SESSION (No public discussion)

The Zoning & Platting Commission will announce it will go into Executive Session, if necessary, pursuant to Chapter 551 of the Texas Government Code, to receive advice from Legal Counsel on matters specifically listed on this agenda. The Zoning & Platting Commission may also announce it will go into Executive Session, if necessary, to receive advice from Legal Counsel regarding any other item on this agenda.

Private Consultation with Attorney – Section 551.071

CITIZEN COMMUNICATION:

1. The first four (4) speakers signed up to speak will each be allowed a three-minute allotment to address their concerns regarding items *not* posted on the agenda.

NO SPEAKERS.

APPROVAL OF MINUTES

2. Approval of minutes from November 16, 2004.

APPROVED MINUTES BY CONSENT.

[J.M; J.G 2ND] (8-0) C.H – INELIGIBLE TO VOTE

DISCUSSION AND ACTION ON ZONING CASES

3. **Rezoning:** C14-04-0171 - **Barr Subdivision**
Location: 1590-1602 Barclay Drive, Eanes Creek Watershed
Owner/Applicant: Gary and Lelanne Barr
Agent: Cunningham-Allen Inc. (Jana Rice)
Request: DR and SF-2 to SF-2
Staff Rec.: **DR and SF-2 to SF-2-CO**
Staff: Robert Heil, 974-2330, Robert.Heil@ci.austin.tx.us
Neighborhood Planning and Zoning Department

APPROVED STAFF'S RECOMMENDATION OF SF-2-CO ZONING; BY CONSENT.

[J.M; J.G 2ND] (8-0) C.H – INELIGIBLE TO VOTE.

4. **Rezoning:** C14-04-0178 - **Monroe Zoning Change**
Location: 10816 Crown Colony Drive, Onion Creek Watershed
Owner/Applicant: Rick M. Monroe

Agent: N/A
 Request: I-SF-2 to LR
 Staff Rec.: **Alternate recommendation: LR-CO**
 Staff: Wendy Walsh, 974-7719, wendy.walsh@ci.austin.tx.us
 Neighborhood Planning and Zoning Department

APPROVED LR-CO ZONING; PROHIBIT DRIVE-THRU SERVICES; BY CONSENT.

[J.M; J.G 2ND] (8-0) C.H – INELIGIBLE TO VOTE

5. **Rezoning: C14-04-0179 - Big 4**
 Location: 8602 Cullen Lane, Onion Creek Watershed
 Owner/Applicant: Jim Pallas
 Agent: Bennett Consulting (Jim Bennett)
 Request: DR to CS
 Staff Rec.: **Pending**
 Staff: Wendy Walsh, 974-7719, wendy.walsh@ci.austin.tx.us
 Neighborhood Planning and Zoning Department

POSTPONED TO 01/18/05 (NEIGHBORHOOD & STAFF)

[J.M; J.G 2ND] (8-0) C.H – INELIGIBLE TO VOTE

6. **Rezoning: C14-04-0170 - San Jose Catholic Church**
 Location: 2510 S. 1st St, East Bouldin Creek Watershed
 Owner/Applicant: San Jose Catholic Church (Father Tom Frank)
 Agent: LOC Consultants (Sergio Lozano-Sanchez)
 Request: SF-3 to LO-MU and GR-MU
 Staff Rec.: **SF-3 to LO-MU and GR-MU**
 Staff: Robert Heil, 974-2330, Robert.Heil@ci.austin.tx.us
 Neighborhood Planning and Zoning Department

APPROVED GR-CO FOR THE LOT DEPTH ALONG S. 1ST STREET; WITH PERMITTED CIVIC USES & PERMITTED NO (NEIGHBORHOOD OFFICE) USES.

LO-CO WITH STAFF CONDITIONS; FOR THE REMAINDER OF THE TRACT.

[M.W; J.M 2ND] (8-0) C.H – INELIGIBLE TO VOTE

7. **Rezoning: C14-04-0182 - O Wier Hills Drive**
 Location: O Weir Hills Drive, Williamson Creek Watershed
 Owner/Applicant: Southwest Travis County Road District #1 (Gregory Chico)
 Agent: Brown-McCarroll, L.L.P. (Annick Beaudet)
 Request: GO to SF-6

Staff Rec.: **GO to SF-6**
 Staff: Robert Heil, 974-2330, Robert.Heil@ci.austin.tx.us
 Neighborhood Planning and Zoning Department

***APPROVED STAFF'S RECOMMENDATION OF SF-6 ZONING; BY CONSENT.
 [J.M; J.G 2ND] (8-0) C.H – INELIGIBLE TO VOTE***

- 8. Rezoning: C14-85-288.102(RCT) - Hilltop Homes**
 Location: 7800 - 8200 Southwest Parkway, Williamson Creek Watershed
 Owner/Applicant: Southwest Travis County Road District #1 (Gregory Chico)
 Agent: Brown-McCarroll, L.L.P. (Annick Beaudet)
 Request: Terminate Restrictive Covenant
 Staff Rec.: **Terminate Restrictive Covenant**
 Staff: Robert Heil, 974-2330, Robert.Heil@ci.austin.tx.us
 Neighborhood Planning and Zoning Department

***APPROVED STAFF'S RECOMMENDATION TO TERMINATE THE
 RESTRICTIVE COVENANT; BY CONSENT.
 [J.M; J.G 2ND] (8-0) C.H – INELIGIBLE TO VOTE***

- 9. Rezoning: C14-04-0177 - Home Builders Association Parking**
 Location: 2301 Centre Plaza, Walnut Creek Watershed
 Owner/Applicant: Bill Brinkley & Vicki Pruett
 Agent: HBA Greater Austin (Harry Savio)
 Request: SF-3 to LI
 Staff Rec.: **Alternate Rec: LI-CO**
 Staff: Sherri Gager, 974-3057, sherri.gager@ci.austin.tx.us
 Neighborhood Planning and Zoning Department

***APPROVED STAFF'S RECOMMENDATION OF LI-CO ZONING.
 [K.J; J.M 2ND] (7-1) B.B – NAY; C.H – INELIGIBLE TO VOTE***

- 10. Rezoning: C14-04-0183 - Escalon at Canyon Creek Apartments**
 Location: 9715 & 9901 R.M. 620 North, Bull Creek Watershed
 Owner/Applicant: A. G. S. The Spanos Corporation (Jim Norman)
 Agent: Huffcut & Associates, Inc. (Mike Wilson)
 Request: I-RR to MF-3
 Staff Rec.: **Alternate Recommendation: MF-3-CO**
 Staff: Sherri Gager, 974-3057, sherri.gager@ci.austin.tx.us
 Neighborhood Planning and Zoning Department

***CONTINUED TO 12/21/04 (ZAP)
 *PUBLIC HEARING REMAINED OPEN***

[M.W; J.M 2ND] (8-0) C.H – INELIGIBLE TO VOTE

- 11. Rezoning:** **C14-04-0140 - Swafford**
 Location: 2108 Kinney Avenue, West Bouldin Creek Watershed
 Owner/Applicant: Clarence Jacobson
 Agent: Crocker Consultants (Sarah Crocker)
 Request: From SF-3 to NO
 Prev.Postponements 11/16/04
 Staff Rec.: **Not Recommended**
 Staff: Tom Bolt, 974-2755, thomas.bolt@ci.austin.tx.us
 Neighborhood Planning and Zoning Department

***APPROVED NO-CO ZONING; LIMITED TO 100 TRIPS PER DAY; SF-3 DEVELOPMENT REGULATIONS; RESTRICTED NO (NEIGHBORHOOD OFFICE) USES; ADD DAYCARE AS A PROHIBITED USE TO THE LIST; DELETE SPECIAL HISTORIC USES FROM THE LIST OF CONDITIONS.
 [K.J; M.W 2ND] (6-2) J.D, J.M – NAY; C.H – INELIGIBLE TO VOTE***

- 12. Zoning:** **C14-04-0174 - Hertz Local Edition Braker Lane**
 Location: 11920 IH-35 South, Walnut Creek Watershed
 Owner/Applicant: Lyly Fisher
 Agent: Hertz Corporation (Paul Wucker)
 Prev.Postponements 11/16/04 (Req. by Neighborhood)
 Request: LO to GR, Staff's alternate recommendation is GR-CO
 Staff Rec.: **RECOMMENDED**
 Staff: Glenn Rhoades, 974-2775, glenn.rhoades@ci.austihn.tx.us

***APPROVED STAFF'S RECOMMENDATION OF GR-CO ZONING; AUTO RENTAL AS THE ONLY GR USE; ALL LO USES PERMITTED; RESTRICTIVE COVENANT TO BE DISCUSSED BETWEEN THE APPLICANT & NEIGHBORHOOD.
 [K.J; J.M 2ND] (8-0) C.H – INELIGIBLE TO VOTE***

DISCUSSION AND ACTION ON SITE PLAN CASES

- 13. Site Plan with waiver/variances:** **SPC-04-0022A - Potter Dentistry**
 Location: 7901 FM 2222, West Bull Creek Watershed, Site Plan with waiver/variances
 Owner/Applicant: Tom Beard
 Agent: Jim Bennett

Request: Hill Country Roadway with waiver/variances: 25-2-1023 Reduced Hill Country Roadway Vegetative Buffer
25-8-301 & 302 – Construction on Slopes
25-8-423 – To exceed allowable impervious cover in the Water Quality Transition Zone

Staff Rec.: **SITE PLAN: NOT RECOMMENDED**
25-2-1023 Reduced Hill Country Roadway Vegetative Buffer - Recommended
25-8-301 & 302 – Construction on Slopes - Recommended
25-8-423 – To exceed allowable impervious cover in the Water Quality Transition Zone - Not Recommended

Staff: Sue Welch, 974-3294, Sue.Welch@ci.austin.tx.us
Watershed Protection and Development Review

APPROVED SITE PLAN & WAIVER/VARIANCES; ON HILL COUNTRY ROADWAY VEGETATIVE BUFFER, REDUCE FROM 100-FT. TO 50-FT.; INCLUDE ENVIRONMENTAL BOARD'S RECOMMENDATIONS.
[K.J; J.M 2ND] (6-2) J.D; J.P – NAY

14. Site Plan (CUP): SPC-04-0041C - Nixon Restaurant
Location: 7701 F M 969 Rd., Walnut Creek Watershed, Site Plan (CUP)
Owner/Applicant: Mohammad Arami
Agent: Jim Bennett
Request: Approval of CUP
Staff Rec.: **Recommended**
Staff: Kathy Haught, 974-2724, kathy.haught@ci.austin.tx.us
Watershed Protection and Development Review

APPROVED STAFF'S RECOMMENDATION; BY CONSENT.
[M.W; J.M 2ND] (8-0) C.H – INELIGIBLE TO VOTE

15. Consolidated Site Plan Extension: SP-97-0219(XT3) - Riata Corporate Office Park - Phase II (Site Plan Extension)
Location: 12357 Riata Trace Parkway, Walnut Creek Watershed, Consolidated Site Plan Extension
Owner/Applicant: William G. Shepherd
Agent: The Faust Group (Bill Faust)
Request: 3-year extension to an approved Site Plan.
Staff Rec.: **RECOMMENDED**
Staff: Christopher Johnson, 974-2769, christopher.johnson@ci.austin.tx.us
Watershed Protection and Development Review

APPROVED STAFF'S RECOMMENDATION; BY CONSENT.
[J.M; J.G 2ND] (8-0) C.H – INELIGIBLE TO VOTE

- 16. Consolidated Site Plan Extension: SP-00-2355C(XT2) - Four Points South Office Park**
- Location: 6600 River Place Blvd., Lake Austin Watershed, Consolidated Site Plan Extension
- Owner/Applicant: John Sandford
- Agent: Prossner & Associates, Inc. (Kurt Prossner)
- Request: 3-year extension to an approved Site Plan.
- Staff Rec.: **RECOMMENDED**
- Staff: Christopher Johnson, 974-2769, christopher.johnson@ci.austin.tx.us
Watershed Protection and Development Review

***APPROVED STAFF'S RECOMMENDATION; BY CONSENT.
[J.M; J.G 2ND] (8-0) C.H – INELIGIBLE TO VOTE***

DISCUSSION AND ACTION ON SUBDIVISION CASES

WITH A PRELIMINARY

- 17. Revised Preliminary Plan: C8J-02-0066.01 - Hidden Lakes Revised Preliminary Plan**
- Location: Parson's Rd. at Lockwood Rd., Wilbarger Creek Watershed, Revised Preliminary Plan
- Owner/Applicant: Nine Hidden Lakes, Ltd. (James Duncan)
- Agent: CBD Engineering (Brett Pasquerella, P.E.)
- Request: Approval of Revised Preliminary Plan
- Staff Rec.: **RECOMMENDED**
- Staff: Don Perryman, 974-2786, don.perryman@ci.austin.tx.us

***CONTINUED TO 01/04/05 (ZAP)
* PUBLIC HEARING RE-OPENED
[J.D; J.M 2ND] (8-0) C.H – INELIGIBLE TO VOTE***

WITHOUT A PRELIMINARY

- 18. Resubdivision: C8J-04-0074.0A - Fleischer Subdivision, Resubdivision of Lot 10, Block B**
- Location: 1901 Fleischer Dr., Walnut Creek Watershed, Resubdivision
- Owner/Applicant: Chaparral Star Academy, Inc. (Randy Cox)
- Agent: Rivera Engineering (Mike Rivera, P.E.)
- Request: Approve resubdivision plat.
- Staff Rec.: **RECOMMENDED**
- Staff: Don Perryman, 974-2786, don.perryman@ci.austin.tx.us

***APPROVED STAFF'S RECOMMENDATION; BY CONSENT.
[J.M; J.G 2ND] (8-0) C.H – INELIGIBLE TO VOTE***

- 19. Resubdivision: C8-04-0108.0A - Resubdivision of Lots 5 & 6, Block B of the Amended Plat of Lots 5 & 6, Block B, Tuscany Business Park**
 Location: US Hwy. 290 East at Springdale Road, Walnut Creek Watershed
 Owner/Applicant: Tuscany Business Park Land, LP
 Agent: Cunningham-Allen Inc. (Jana Rice)
 Request: Resubdivision of 2 lots into 4 lots
 Staff Rec.: **RECOMMENDED**
 Staff: Sylvia Limon, 974-2767, sylvia.limon@ci.austin.tx.us
 Watershed Protection and Development Review

***APPROVED STAFF'S RECOMMENDATION; BY CONSENT.
 [J.M; J.G 2ND] (8-0) C.H – INELIGIBLE TO VOTE***

- 20. Resubdivision: C8-04-0128.0A - Realtor Park II**
 Location: 4014-4106 Medical Parkway, Shoal Creek Watershed
 Owner/Applicant: Austin Board of Realtors
 Agent: The Faust Group (Bill Faust)
 Request: Resubdivision of 1lot into 2lots
 Staff Rec.: **RECOMMENDED**
 Staff: Sylvia Limon, 974-2767, sylvia.limon@ci.austin.tx.us
 Watershed Protection and Development Review

***APPROVED STAFF'S RECOMMENDATION; BY CONSENT.
 [J.M; J.G 2ND] (8-0) C.H – INELIGIBLE TO VOTE***

- 21. Final without a Preliminary: C8J-04-0065.0A - Rio Vista Parcel 3A**
 Location: N. FM 620 Rd. at N. Quinlan Park Rd., Lake Austin Watershed, Final without a Preliminary
 Owner/Applicant: LA/DF Waterworks, Ltd. (Gerald Kucera)
 Agent: The Kucera Company (Norman Raven)
 Request: Approval of the Rio Vista Parcel 3A composed of 2 lots on 18.54.
 Staff Rec.: **RECOMMENDED**
 Staff: Joe Arriaga, 974-3425, joe.arriaga@ci.austin.tx.us

***APPROVED STAFF'S RECOMMENDATION; BY CONSENT.
 [J.M; J.G 2ND] (8-0) C.H – INELIGIBLE TO VOTE***

STATUTORY DISAPPROVAL CASES

- 22. Final Plat: C8-04-0121.1A - Arbor Trails Subdivision**

Location: S. MoPac NB. At W. William Cannon, Williamson Creek (In Barton Springs Zone)
 Owner/Applicant: Hay Barn, Limited Partnership (Carey P. Brownlee)
 Agent: Bury & Partners, Inc. (Danielle Simmers)
 Request: Approval of the Arbors Trails Subdivision composed of 11 lots on 71.63 acres.
 Staff Rec.: **DISAPPROVAL**
 Staff: Joe Arriaga, 974-3425, joe.arriaga@ci.austin.tx.us

23. Preliminary Plan: C8J-04-0160 - Gilbert Lane
 Location: Gilbert Rd., Decker Creek Watershed, Preliminary Plan
 Owner/Applicant: Gilbert Lane Investments, LP. (John S. Lloyd)
 Agent: Murfee Engineering Co. (Ronee Gilbert)
 Request: Approval of the Gilbert Lane Preliminary composed of 674 lots on 163.96 acres.
 Staff Rec.: **DISAPPROVAL**
 Staff: Joe Arriaga, 974-3425, joe.arriaga@ci.austin.tx.us

24. Final Plat: C8J-83-068.018.1A - River Place Section 17
 Location: Big View Dr. at Josh Ln., Lake Austin Watershed, Final Plat
 Owner/Applicant: Lake Austin River Place, Ltd. (Chris Overstreet) River Place Municipal Utility District (Phil Haag)
 Agent: PBS & J (Frank H. Del Castillo)
 Request: Approval of the River Place Section 17 composed of 11 lots on 14.02 acres.
 Staff Rec.: **DISAPPROVAL**
 Staff: Joe Arriaga, 974-3425, joe.arriaga@ci.austin.tx.us

K.J - ABSTAINED

25. Final without a Preliminary: C8J-04-0167.0A - Hidell Addition Two
 Location: Cameron Rd., Gilleland Creek / Wilbarger Creek Watershed, Final without a Preliminary
 Owner/Applicant: Jerry L. Harris
 Agent: Prossner & Associates, Inc. (Kurt Prossner)
 Request: Approval of the Hidell Addition Two composed of 10 lots on 106.1 acres.
 Staff Rec.: **DISAPPROVAL**
 Staff: Joe Arriaga, 974-3425, joe.arriaga@ci.austin.tx.us

- 26. Final without a Preliminary:** **C8-04-0162.0A - Replat of Route Subdivision, Amended Plat of Lot 2A, and 3-A Resubdivision of Lots 3, 4, and 5 of the Replat of Route Subdivision**
 Location: 1120 W. Howard Lane, Walnut Creek Watershed, Final without a Preliminary
 Owner/Applicant: I-35 Dessau Rd. JV (Len Layne)
 Agent: Prossner & Associates, Inc. (Kurt Prossner)
 Request: Approval of the Replat of Route Subdivision, Amended Plat of Lot 2A, and 3-A Resubdivision of Lots 3, 4, and 5 of the Replat of Route Subdivision composed of 2 lots on 5.26 acres.
 Staff Rec.: **DISAPPROVAL**
 Staff: Sylvia Limon, 974-2767, sylvia.limon@ci.austin.tx.us
- 27. Final without a Preliminary:** **C8-04-0165.0A - San Felipe Green, Amended Plat of Lot 1, and Sunco-Greenwood Addition, Amended Plat of Lot 2**
 Location: San Felipe Green Blvd. & McNeil Dr., Rattan Creek Watershed, Final without a Preliminary
 Owner/Applicant: Jack & Johns, Ltd. & San Felipe Market Ltd. (John Baunach)
 Agent: Bennett Consulting (Jim Bennett)
 Request: Approval of the San Felipe Green, Amended Plat of Lot 1, and Sunco-Greenwood Addition, Amended Plat of Lot 2 composed of 2 lots on 4.271 acres.
 Staff Rec.: **DISAPPROVAL**
 Staff: Sylvia Limon, 974-2767, sylvia.limon@ci.austin.tx.us
- 28. Final without a Preliminary:** **C8-04-0166.0A - Placidena, Amended Plat of Lots 1 and 2, Block A**
 Location: 400 - 406 Radam Lane, East Bouldin Creek Watershed, Final without a Preliminary
 Owner/Applicant: Lauro Reveles
 Agent: Bennett Consulting (Jim Bennett)
 Request: Approval of the Placidena, Amended Plat of Lots 1 and 2, Block A
 Staff Rec.: **DISAPPROVAL**
 Staff: Sylvia Limon, 974-2767, sylvia.limon@ci.austin.tx.us
- 29. Preliminary Revision:** **C8-98-0115.02 - Pioneer Crossing Preliminary Revision #2**
 Location: W. Braker Ln. at Musket Valley Trail, Walnut Creek Watershed, Preliminary Revision
 Owner/Applicant: Pioneer Austin Development (Ralph Reed)
 Agent: Longaro & Clarke (Alex Clarke)
 Request: Approval of the Pioneer Crossing Preliminary Revision #2 composed of 218 lots on 55.31 acres.

- Staff Rec.: **DISAPPROVAL**
 Staff: Don Perryman, 974-2786, don.perryman@ci.austin.tx.us
- 30. Preliminary Plan: C8J-04-0155 - Whisper Valley Ranch**
 Location: Taylor Lane at Blake-Manor Rd., Colorado River / Gilleland Creek Watershed, Preliminary Plan
 Owner/Applicant: Whisper Valley Ranch Development, Ltd. (Ralph Reed)
 Agent: Carpenter Associates, Inc. (Walter Tacquard)
 Request: Approval of the Whisper Valley Ranch Preliminary composed of 749 lots on 247.16 acres.
 Staff Rec.: **DISAPPROVAL**
 Staff: Don Perryman, 974-2786, don.perryman@ci.austin.tx.us
- 31. Final without a Preliminary: C8-04-0163.0A - Barclay Subdivision**
 Location: Barclay Dr., Barton Creek / Eanes Creek (In Barton Springs Zone) Watershed, Final without a Preliminary
 Owner/Applicant: Gary L. & Lelann B. Barr
 Agent: Cunningham-Allen Inc. (Jana Rice)
 Request: Approval of the Barclay Subdivision composed of 2 lots on 4.479 acres.
 Staff Rec.: **DISAPPROVAL**
 Staff: Don Perryman, 974-2786, don.perryman@ci.austin.tx.us
- 32. Final without a Preliminary: C8J-04-0168.0A - Shady Hollow Gardens**
 Location: Frate Braker Rd. at Brodie Lane, Bear Creek Watershed, Final without a Preliminary
 Owner/Applicant: CMG Partnership (Dean Goodnight)
 Agent: Carlson, Brigance & Doering (Debbie Guerra)
 Request: Approval of the Shady Hollow Gardens composed of 2 lots on 35.552 acres.
 Staff Rec.: **DISAPPROVAL**
 Staff: Don Perryman, 974-2786, don.perryman@ci.austin.tx.us
- 33. Final without a Preliminary: C8-04-0157.0A - Estates at Canyon Creek Subdivision, Section 1; Amended Plat**
 Location: 9501 N. FM 620 Rd., Bull Creek Watershed, Final without a Preliminary
 Owner/Applicant: Gilbert A. Korman Jr., La Miraj Ltd. (Indru Malkani), Dorothy Korman, Blake Robinson
 Agent: Bury & Partners, Inc. (Jennifer A. Massie-Gore)

Request: Approval of the Estates at Canyon Creek Subdivision, Section 1; Amended Plat composed of 1 lot on 28.907 acres.
 Staff Rec.: **DISAPPROVAL**
 Staff: David Wahlgren, 974-6455, david.wahlgren@ci.austin.tx.us

34. Final without a Preliminary: C8-04-0159.0A - The Casitas at Avery Ranch, Amended Plat
 Location: Avery Ranch Blvd. at Casitas Dr., Brushy Creek Watershed, Final without a Preliminary
 Owner/Applicant: Shadow Creek, Ltd. (Robert D. Wunsch)
 Agent: Cook-Steinman & Associates (Jennifer Haven)
 Request: Approval of The Casitas at Avery Ranch, Amended Plat composed of 83 lots on 16.335 acres.
 Staff Rec.: **DISAPPROVAL**
 Staff: David Wahlgren, 974-6455, david.wahlgren@ci.austin.tx.us

35. Final without a Preliminary: C8-04-0161.0A - Helen-Swan
 Location: Anderson Mill Rd. and Swan Dr., Bull Creek Watershed, Final without a Preliminary
 Owner/Applicant: Helen Ltd. (William Pohl)
 Agent: ATS Engineering (Andrew Evens)
 Request: Approval of the Helen-Swan subdivision composed of 2 lots on 5.801 acres.
 Staff Rec.: **DISAPPROVAL**
 Staff: David Wahlgren, 974-6455, david.wahlgren@ci.austin.tx.us

36. Preliminary Plan: C8-04-0164 - Cypress Bay-Lake Austin
 Location: N. Capital of Texas Hwy. At FM 2222 Rd., Bull Creek / Lake Austin Watershed, Preliminary Plan
 Owner/Applicant: Key Enterprises, Inc. (Ted L. Stewart), Ron Amini
 Agent: Cunningham-Allen Inc. (Chuck Carroll)
 Request: Approval of the Cypress Bay-Lake Austin Preliminary composed of 22 lots on 43.573 acres.
 Staff Rec.: **DISAPPROVAL**
 Staff: David Wahlgren, 974-6455, david.wahlgren@ci.austin.tx.us

22-23; DISAPPROVED BY CONSENT. [J.M; J.G 2ND] (8-0) C.H – INELIGIBLE TO VOTE

24; DISAPPROVED BY CONSENT. [J.M; J.G 2ND] (7-0-1) K.J – ABSTAINED; C.H – INELIGIBLE TO VOTE.

25-36; DISAPPROVED BY CONSENT. [J.M; J.G 2ND] (8-0) C.H – INELIGIBLE TO VOTE.

B. OTHER BUSINESS

ITEMS FROM THE COMMISSION

REQUEST FROM COMMISSIONER BAKER TO PUT ON 12/21/04 AGENDA TO CONSIDER INITIATING A ROLLBACK ZONING ON A CASE LOCATED ON S.1ST AND STASSNEY.

The City of Austin is committed to compliance with the American with Disabilities Act. Reasonable modifications and equal access to communications will be provided upon request. Please call Sylvia Arzola, Neighborhood Planning & Zoning Department, at 974-6448, for information, text phone users route through Relay Texas at (800) 735-2989.

Ms. Betty Baker
 201 E. 2nd Street
 Austin, TX. 78701
 Contact Phone: (512)442-5371 hm.
 E-mail Address: bbaker5@austin.rr.com
 Nominated By: Mayor Pro-Tem Jackie Goodman

Mr. Joseph Martinez
 42 Waller Street
 Austin, TX. 78702
 Contact Phone: (512)474-8148
 E-Mail Address: josephmartinez@yahoo.com
 Nominated By: Consensus

Mr. John Philip Donisi
 1700 Frost Bank Plaza
 816 Congress Avenue
 Austin, TX. 78701
 Contact Phone: (512)472-8021 wk.
 E-Mail Address: jdonisi@austin.rr.com
 Nominated By: Council Member Danny Thomas

Mrs. Melissa Whaley Hawthorne
 508 Oakland Avenue
 Austin, TX. 78703
 E-Mail Address: apsinc@bga.com
 Nominated By: Council Member Betty Dunkerley

Mr. Jay A. Gohil
 10201 Tenava Court
 Austin, TX. 78726
 Contact Phone: (512)258-4248
 E-Mail Address: jay@jaygohilrealty.com
 Nominated By: Mayor Will Wynn

Mrs. Janis Pinnelli
 P.O. Box 50038
 Austin, TX. 78763
 Contact Phone: (512)478-7816
 E-Mail Address: Pinnelli@flash.net
 Nominated By: Consensus

Mr. Clarke Hammond

E-Mail Address: clarkehammond78704@yahoo.com

Nominated By: Council Member Daryl Slusher

Mr. Keith Jackson

504 E. 42nd Street

Austin, TX. 78751

Contact Phone: (512)327-6840

E-mail Address: kjackson@pbsj.com

Nominated By: Council Member Brewster McCracken

Ms. Teresa Rabago

612 W. Johanna Street

Austin, TX. 78704

Contact Phone: (512)447-9613

E-Mail Address: trabago@austin.rr.com

Nominated By: Council Member Raul Alvarez